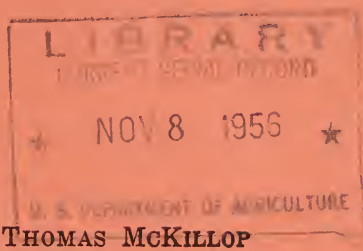


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DEMOCRACY IN FEDERAL ADMINISTRATION



THE WILLIAM A. JUMP—I. THOMAS MCKILLOP
MEMORIAL LECTURES IN PUBLIC ADMINISTRATION
1955

Edited by O. B. Conaway, Jr.



THE GRADUATE SCHOOL
U. S. DEPARTMENT OF AGRICULTURE
WASHINGTON

The William A. Jump-I. Thomas McKillop Memorial Lectures in Public Administration

IN recognition of the service of William A. Jump and I. Thomas McKillop to the Department of Agriculture and their contributions to the development of public administration in the United States, the Graduate School in 1952 established the William A. Jump-I. Thomas McKillop Memorial Lectures in Public Administration.

WILLIAM ASHBY JUMP

William A. Jump, who died on January 22, 1949, had been Department Budget Officer since the creation of that position in 1922, and Director of Finance since 1934 when the Office of Budget and Finance was established. His entire career was devoted to public service in the United States Department of Agriculture. In 1947, the Department, in recognition of his outstanding contributions, presented him with a Distinguished Service Award.

Mr. Jump was an outstanding leader in and out of the Federal Government in the field of public administration. Perhaps more than any other man in his lifetime, he influenced the development of modern budgetary and management concepts and the application of these concepts to the formulation and administration of Federal programs. In 1939-40, he served as a member of a subcommittee of the President's Committee on Civil Service Improvement. He was one of a group which founded the American Society for Public Administration. After the war, he contributed to the organization of the Food and Agriculture Organization of the United Nations, and in 1947-48 was United States representative on the five-nation Subcommittee on Finance. He participated in the establishment of the United States Department of Agriculture Graduate School and taught in the School for many years, and was a guest lecturer on public administration in many of the leading colleges and universities in the country.

I. THOMAS MCKILLOP

I. Thomas McKillop was killed at the age of 38 in an airplane accident on June 30, 1951. During his short span of years he was an educator, a private management consultant, and a public servant. Born in Scotland, he was educated in America. He joined the staff of the Rural Electrification Administration in 1947 as an Industrial Engineer and later was made Chief of the Management Division. In the Rural Electrification Administration his work was based on agency's philosophy of helping rural people help themselves. Mr. McKillop brought to public administration the philosophy of scientific management of which he had profound understanding, yet in the execution of his daily tasks he always considered the rights of individuals. His contribution to public administration stemmed from a rare combination of native ability, management proficiency and belief in human values. Mr. McKillop was a leader in the Graduate School's public administration program and one of its most successful teachers.

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Democracy in Federal Administration

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MEMORIAL LECTURES IN PUBLIC ADMINISTRATION
1955

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U. S. DEPARTMENT OF AGRICULTURE
GRADUATE SCHOOL

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UNITED STATES DEPARTMENT OF AGRICULTURE
GRADUATE SCHOOL

Published June, 1956

Price \$1.25

PREFACE

THE Graduate School's Committee for the 1955 William A. Jump-I. Thomas McKillop Memorial Lectures chose DEMOCRACY IN FEDERAL ADMINISTRATION as their theme for two reasons: A desire to emphasize to those engaged in Federal administration one of the fundamental questions of our political system, and to obtain a review of some aspects of Federal administration from this standpoint. The subjects of the respective lectures were not chosen by the Committee in the belief that they are the only aspects of Federal administration that should be analyzed in this manner but as only some of the important factors in the administrative process.

It seemed to the Committee that the kind of appraisal desired could best be obtained from students of Federal administration who were not in the employ of the Government. Thus the eminent gentlemen who delivered these lectures were invited from the universities and from a major Washington institution, the Washington Post and Times Herald. As in the case of other series of lectures organized by the Graduate School, these gentlemen contributed their lectures because of their interest in the Federal Service.

The lectures in this series evidence deep understanding of Federal administration. The speakers did not fail or hesitate to recognize and hail achievement and progress. But each of them went beyond acknowledgment of administrative platitudes. To John Gaus, public participation in public programs can take forms that defeat its general purpose. Herbert Emmerich's intimate understanding of public administration enabled him to identify the really significant ethical issues which so often are untouched by the storms over relatively unimportant actions.

Personal specialization is a problem of consequence in Federal administration to Arthur Macmahon, but to him the specialization of agencies seems a greater threat to the public interest and one more difficult to control. James Wiggins, speaking more bluntly than any other lecturer in this series, presented a clear statement of the essential problem of the Government's communi-

cation with the people. "The presumption in favor of the citizen's right to know," he said, "ought to be greater today than ever before because the executive department of government is something infinitely more than the mere administrative agent of Congress." Wallace Sayre knows as do few Americans the development and achievements of our Federal civil service. And his words fall heavily when he says, "We have not faced up in a systematic way to a development of a doctrine of public service which is suited to and recognizes the facts of our constitutional system, our political system and our society."

In sum, while these students of American government are not depressed by contemporary Federal administration, they certainly do not regard it complacently. Much of what they said is critical but to them democratic administration requires frank and continuous examination of our governmental institutions.

In presenting these lectures the Graduate School was fortunate, as in the past, in having the assistance of a committee of distinguished members of the Federal service. These gentlemen performed the major tasks in arranging these programs, for which we are grateful.

O. B. CONAWAY, JR.
Assistant Director
U. S. Department of Agriculture
Graduate School

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PUBLIC PARTICIPATION IN FEDERAL PROGRAMS

By

JOHN M. GAUS*

"The Law is only a memorandum."

I WOULD LIKE first to record my gratitude for the honor of the invitation extended to me to participate in the lecture series established in memory of William A. Jump and I. Thomas McKillop. I did not know Mr. McKillop, but I have read things about him that are particularly inspiring to a teacher with a major interest in public administration. And I have read a paper of his own, presented in a training program, that enables one to see what insight and wisdom he brought to public administration.

Mr. Jump I did know, and his kindness to me in helping me in studies of administration I shall not forget. He was one of the finest people I have known; a great public servant, who found time to help the teachers of administration and to encourage the development of the public service generally. I wish we could all be around the table with these men this afternoon to hear them discuss the topic of my lecture. Both men exemplified in their creative work in this Department the larger theme of this winter's lectures, "Democracy in Federal Administration." And not least of the virtues of the Graduate School of the Department is that it has encouraged a sharing of ideas among not only its immediate members but all of us students of government.

The very words of the topic you have given me raise questions. My first thought was of the particular application of the theme to the Department of Agriculture—a subject vast enough for several series of lectures. But then I recalled how much this has been and is being studied and reported by an able group, many of whom have been or are now participants in the work of the Department. And I think of many men and women in agricultural and natural resources administration whom I have had the privilege of knowing at the seminar table, whose reports

* Professor of Government, Harvard University.

and talk are full of the concrete observation and the tang of personal experience, and to whom I am profoundly grateful.¹

My second thought was that the scope of the topic was as wide as the Federal government. Perhaps there was a feeling that anyway I have written and talked myself out of the Department of Agriculture! So I take a somewhat different approach, and ask why there is this general practice of seeking public participation in Federal programs. Such an inquiry may throw useful light on a particular experience. It may even relate the particular experience to our efforts to achieve a democratic method of public housekeeping. It may show, in the effort at definition, that neither the terms "public" nor "program", let alone "federal", are simple.

This is the hour of the day when throughout the government offices in Washington the dockets are coming in to the desks of executives for signature. The poet sang that "the lowing herd winds slowly o'er the lea." I record prosily the upward late afternoon movement of fat piles of supporting memoranda, with the draft regulation or letter on top, ready for signature by the person with power of decision. The same process at the equivalent hour is under way at state capitals, at Ottawa, Tokyo, Moscow, Paris, London; the movement of dockets to a point of decision making. Within each docket will be reflections of decisions down the line and out to the point of application in the field—and at that point, let me note here, a possible decision by the citizen-client affected.

It is a corporate thing, this docket and decision. Even if the executive who signs the docket has a clear desk, and looks appropriate for a Lord Calvert advertisement, his signature is a part of the collective and corporate activity which may evolve from several levels and seep in from other agencies. Nor is this all. His decision is within a range of discretion set by powers above. And the President or Prime Minister—recording the most richly

¹ The use of committees in the administration of the United States Department of Agriculture is reported in much detail in two hearings on the Reorganization of the Department in recent years. Hearings before the Committee on Expenditures in the Executive Departments, United States Senate, Eighty-second Congress, First Session, on Senate 1149, August 28, 29, Sept. 5, 6, 7, 10, 11, 12 and 18, 1951, esp. at pps. 209-227 (statement by William F. Finan, Assistant Director for Administrative Management, Bureau of the Budget), and statements and data by Secretary Brennan at pp. 27-33, 420, 421. See also:

Hearings before the Committee on Agriculture, House of Representatives, 82nd Congress, Second Session, March 26, 27, 28, and April 3, 1952.

Data at these hearings included statutory provisions, costs, numbers participating, etc.

corporate of the decisions—acts within decisions taken by the legislature, and legislatures, in turn, by decisions taken by electorates. Even if we assume that programs are the part of this process that fall within the executive decision-makings, we should first note that they are but a part of a larger, longer whole that begins with the electorate and moves along until it is applied to that electorate again in a kind of circle or spiral.

We can select along this line a few strategic points of decision making as to government action. They are: where the electorate elects its representatives (both legislative and executive, in our system); where the legislature enacts a law; where the chief executive, it may be, outlines by order an emphasis within the discretion the law may give him; where the Department head authorizes an action within the discretion conferred by the law and the order of the Chief Executive; and similarly for bureau chief, division head, field office head, and finally the official who applies the act to a citizen. But this citizen too is a part of the continuing line, for, as with much policy, there may remain to him a decision—let us say about a suggested farm practice, or health practice, or employment opportunity—which *he* has the choice of making.

At each point of decision-making there seems to develop a focus of effort by citizens to affect the decision. There has developed a vast body of literature about this. The terms public opinion, pressure groups, propaganda, political behavior, come to mind. I am at the moment concerned only to point out the apparent tendency at both ends of the line of policy-making—where the citizen is the unit—to organize at first outside the formal, legal channel of policy-making in order to affect the policy-making of those legally responsible.

At the electoral-legislative end, this has taken the form of party organization and activity in spite of the apparent distrust of faction, or party, by the founding fathers. Edmund Burke had already shown in 1770 that parties were essential to representative government, and Madison in the Federalist Papers gave a classic account of the place of faction, based on interest, in government. Early in the life of the United States under the Constitution of 1789 parties based on legislative membership were formed and the elaborate constitutional provisions for choosing the President were superseded by their operation. There then developed a process whereby party organization expanded beyond official legislative and executive circles to new

extra-legal associations at what would now be termed grass roots and state levels. The individual citizens had to be organized to make their act of decision count, so that the person they voted for would be pledged to work with others elected in other electoral districts in some generally consistent way.

Further, although powers were, as we say, separated, between elective legislatures and executives, they were also commingled, or as we say, checked and balanced. Thus the President was charged, in Article II, both to report to Congress on "the state of the union," and to "recommend to their consideration such measures as he shall judge necessary and expedient," and he was further to share in the legislative process by possession of a veto. Thus the stage was set for the subsequent endless and built-in struggle in policy-making between Congress and the President of which the Twenty-second Amendment and the proposed Bricker amendment are most recent illustrations of the swing of the metronome that fixes in part the tune of our politics. And thus also set in the ebb and flow of conflict between the possessors of legal discretionary power in official legislative and official posts and the (at first) extra-legal party systems. And in this evolution it has been found necessary to bring the parties within a legal framework on such matters as official ballots, the nominating process, finances and the definition of membership.

I do not think I am fanciful in bringing into some relation to this evolution of party government the efforts to influence legal discretionary powers at the other end of the line of policy-making by extra-legal associations such as trade associations in agriculture, commerce, finance and industry, regional, civic, reformist—in fact in every kind of activity affected by the powers of government. New ones appear with technological change, as for example the use of radio, or the processing of foods. And we find, paralleling the effort to legally regulate the associated activity of parties, an effort to define legally the participation of these associations, or at least the channels through which their members and others interested will participate in the formulation of policy within their legal discretionary powers by executive officers. I cite as illustrative of this the formulation of codes on membership and procedures of advisory committees in the Office of Production Management and the Department of Commerce, the Advisory Boards under the Taylor Grazing Act (where the evolution of these provisions is particularly interest-

ing) and the elaborate measures for referenda on adopting quota restrictions under agricultural legislation of the last twenty-five years. A recent memorandum of Secretary Benson, No. 1368 of November 24, 1954, and a subsequent document entitled "Questions and Answers Relative to Secretary's Memorandum No. 1368" dated January 5, 1955, are a good illustration of this problem of defining the appropriate role of the various participants in the making of policy, of the various contributors to the content of the dockets that await the signature.

I draw this parallel between the problem at the two ends of the policy line, to emphasize how long-standing this experience is, how ubiquitous, how "natural", because many—probably all—of us to some extent have a suspicion of both faction and pressure group. I know I have. Do you? I have had to learn the hard way from others whom I respect, to fit into my theory of government the place of these organizations. We share the distrust with our founding fathers. In practice, I see on all sides, and myself participate in, such efforts—of course, you understand, high-minded, public-spirited ones! And I think I can hear you say, "This man was supposed to talk on *public* participation in Federal programs, and he is talking about politicians and party machines, and pressure groups." So I must go back to my title, which the academic person loves to do, and see whether I can make any case for a meaning of "public" that has a place for this kind of participation in policy-making and particularly at the executive end of the line—but which notes also what are the dangers and difficulties.

Our central problem is one of planning the policies of a great nation, spanning a continent, and composed of people of a wide range of interests and cultural heritages. By its Constitution it is committed to have its policies representative, not the product of a privileged few. But even the constituted law-makers cannot reach the whole scope of policy. Conditions to which their intent is to be applied are so varied, and may change so rapidly, that discretion within the general clauses of the statute must be left to the executive. Edmund Burke was perhaps the first and still the best to diagnose this. "Constitute government how you please", he writes, "infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of state." From our observation of experience since 1770, when he wrote this in his "Thoughts on the Cause of the Present Discontents," we

would add—and also, upon the civil service as the corporate personnel of the Departments over which the ministers preside and for which the minister is the politically responsible head. But Burke himself spelled out our theme further, in his “Reflections on the Revolution in France,” which was published in 1790.

If I might venture to appeal to what is so much out of fashion in Paris, I mean to experience, I should tell you, that in my course I have known, and, according to my measure, have cooperated with great men; and I have never yet seen any plan which has not been mended by the observations of those who were much inferior in understanding to the person who took the lead in the business. By a slow but well sustained progress, the effect of each step is watched; the good or ill-success of the first, gives light to us in the second; and so, from light to light, we are conducted with safety through the whole series. We see that the parts of the system do not clash. The evils latent in the most promising contrivances are provided for as they arise. One advantage is as little as possible sacrificed to another. We compensate, we reconcile, we balance. We are enabled to unite into a consistent whole the various anomalies and contending principles that are found in the minds and affairs of men. From hence arises, not an excellence in simplicity, but one far superior, an excellence in composition.

In these diagnoses of the line or flow of policy making, of which one of the most recent and best is given by Paul Appleby in his *Policy and Administration*, we follow the current from the electorate through the legislature to the chief executive, the department head, over into the operating units, to final action by the individual civil servant. But we go beyond this formal structure to seek aid in adapting the statute and its general terms by calling upon citizens beyond the formal governmental organization. We do this for various reasons; here I shall mention only three. First, we may need the special knowledge of persons familiar with the situation affected by the act, so that it may be more wisely adapted in execution to achieving its purposes. The development of safety codes to meet the increasing mechanization of production with applied science illustrates this.

Second, our policy and statute may be aimed at offering a service to and not coercing the citizen. It is hoped that he will use the service, but he will not be compelled. The development of agricultural education and research, and the dissemination of research results, or the provision of health and medical services, have led us to invent devices of consultation and advice among the citizens affected. Third, our policy may be tentative and

incomplete at points because our way is not clear. Perhaps changing conditions are not widely diagnosed; a party turnover has left large segments of opposition and doubt. The effectiveness of the policy is dependent not only on further and special knowledge of some most directly affected, not only upon challenging their advice and interest, but on acquainting them with conditions affecting the legislation wider than their own activity, conditions, as they used to say in farm management, "beyond the fences of the farm." To bring them, or some chosen or elected from among them, into some share of working out the application of policy may widen the basis of understanding, and win some consent to policies for a period of transition, and some concrete and shared experience for its improvement.

For these and other reasons we have for a half-century been expanding our use of formal and informal citizen and client participation in that part of policy formulation, generally designated in recent years as program planning, which remains to be done on the executive end of the line. So widespread is this practice that new conceptions of the nature of the modern state are being formulated from the resulting experience, and have already begun to influence us. The development of regulatory commissions in some of our states fifty years ago and their employment of advisory code formulating committees composed of representatives of employers, employed, and of the commission's staff of experts or consultants was particularly marked in Wisconsin, where the ideas and staff-work on legislation of the late John R. Commons were particularly influential. A Wisconsin civil servant, Mrs. Jennie M. Twiner who was familiar with this development, published an account of it under the title of "Democracy in Administration", in the *American Political Science Review*, in 1923 (Vol. XVII, No. 2, May, 1923, pp. 216-230).

An interpretation by former Under-Secretary of Agriculture M. L. Wilson of the even more extensive comparable experience in agriculture was presented to the American Political Science Association in 1940 under the title of "A Theory of Agricultural Democracy." The same developments have been related by others to the now but dimly remembered Guild Socialism of forty years ago, and to the corporative state (whether fascist or otherwise), and to "rationalization" of industry. The development generally is the subject of study of many in the social sciences. Thus Philip Selznick gives this much attention in his study of T.V.A., refers to it as "an emerging trend in the ad-

ministration of the federal government" (*TVA and the Grass Roots*, Berkeley and Los Angeles, 1949, p. 219) and indicates some consequences of "formal cooptation." Some analysts emphasize the struggles for power among the organized groups consulted by the agencies—sometimes, as illustrated by the American Farm Bureau Federation and the National Association of Soil Conservation Districts, originating in the activities of government agencies.¹

The place of programs formulated at the executive end of the policy line with the participation of these groups and individuals who have an immediate interest as well as general public stake within the whole line of policy making therefore is raising fundamental questions of government. "The law," wrote Emerson in his "Politics," "is only a memorandum. We are superstitious, and esteem the statute somewhat: so much life as it has in the character of living men, is its force. The statute stands there to say, yesterday we agreed so and so, but how feel ye this article to-day?" But suppose the even temporary intent of policy of our statute is eaten away by the exercise of its discretionary provisions by those most immediately concerned? Is not the general public represented by the statute makers, Congress and President, betrayed, and its policy subverted, by these partial publics? It is all very well to consult them when it is a matter of voluntary services; but has not the procedure appropriate for education and consultation become abused when it is used to convey coercive powers, or allocate subsidies? Can you decentralize policy making to localities or particular vocations when your policy is aimed at and needs powers and resources appropriate to, a national economy and government?

Some such considerations lay behind the views of the Supreme Court when it was called upon to interpret the National Industrial Recovery Act. You will recall that the Act authorized the establishment of "codes of fair competition" by the President as one means of attacking the depression. The Act also provided for "the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united

¹ The importance of trade associations was recognized by the Temporary National Economic Committee in issuing two monographs directly related to this topic. See Monograph No. 18, "Trade Association Survey," prepared by Charles Albert Pearce and staff, 1941, and Monograph No. 26, prepared by Donald Blaisdell assisted by Jane Greverus, on "Economic Power and Political Pressures." These were in pursuance of the study by the Commission of "the concentration of economic power in, and financial control over, production and distribution of goods and services." 76th Congress, third session, 1941.

action of labor and management under adequate governmental sanctions and supervision." In the case of *Schechter Poultry Corporation et al. vs. the United States* (295 U. S. 495-1935), the Court unanimously ruled against the Act, in first part because it unconstitutionally delegated legislative power by failing to set legislative standards for the Codes. There was a most interesting and here relevant concurring opinion by Justice Cardozo, in which Justice Stone joined, from which I quote these passages (pp. 552-4). He has been describing the familiar type of advisory board, "strictly advisory" and "having special knowledge" . . . "But there is another conception of codes of fair competition . . . that is struggling now for recognition and acceptance. A code . . . is to include whatever ordinances may be desirable or helpful for the well-being or prosperity of the industry affected . . . What is fair, as thus conceived, is not something to be contrasted with what is unfair or fraudulent or tricky. The extension becomes as wide as the field of industrial regulation. If that conception shall prevail, anything that Congress may do within the limits of the commerce clause for the betterment of business may be done by the President upon the recommendation of a trade association by calling it a code. This is delegation running riot."

Now for the word "code," substitute "program," and for "betterment of business" substitute similar high-minded and noble aims for other walks of life. The point is that these aspects of policy appropriately belong to the points of decision-making, here legislative in the combination of President and Congress, placed so as to be forced to think of the widest reconciliation of the most diverse forces, interests, and wishes. There will still be, to be sure, the pressures and interests, including those of party. But the first safeguard against abuses of later more special participation for particular application lies in the most careful formulation of statutory objectives and provisions whereby priorities are delineated and the always limited resources allocated to these purposes.

As the statute brings policy over to the executive, there is another point of decision which can be used further to prevent abuses in application, or remedy them after their discovery. I refer to the reconciliation and clarifying of programs across department and bureau lines which, in the field, will need most careful intermeshing with one another. One example, a very difficult problem, is that which I might call the policy of the

United States as landowner. Detailed analysis of this for one region has been presented by Charles McKinley in his *Uncle Sam in the Pacific Northwest*. I need only remind this well informed audience of the difficulties that come from and to those operating in the field when they attempt programs of soil conservation on ranch lands in an area appropriate for organic treatment when some lands are privately owned, some by the United States but administered by the Forest Service in part and in part by the Bureau of Land Management, and in which there is both a Soil Conservation District and an Advisory Board to the Grazing District. It is a tribute to the quality of the civil servants concerned that so much is accomplished in spite of the lack of agreement at higher executive levels and in legislation on one basic ingredient—a uniform policy binding all agencies. Lacking this, it is inevitable that the national organizations of which the local groups consulted are members press at points of decision-making further over the line of policy making to the legislature and the electorate.

Something of this principle is present in Paul Appleby's argument in his *Big Democracy* that although "decentralization is a physical necessity," "Federal action programs can affect the *national* interest only if they are finally responsive to national political determination; because this is so, national decentralization should take place through a unified if dispersed organization, around a central core of direct national authority Nothing can be decentralized properly which has not first been centralized." This view was attacked by Mr. Roger Fleming, Secretary-Treasurer of the American Farm Bureau, at its meeting in Seattle on December 9, 1952, who stated that "we have been in the midst of a battle to determine whether the philosophy of 'centralization,' as symbolized by the quotations I have read from Appleby's book, or whether the philosophy of 'decentralization' as provided for in the Constitution of the United States is to prevail. This issue isn't settled! It is certain to be a live one in 1953."

It was in fact so lively that a Commission on Intergovernmental Relations was established by Congress which, after a change in Chairmen, is shortly to report. One of its members, William Anderson, Professor of Political Science at the University of Minnesota, has written a book entitled *The Nation and the States, Rivals or Partners?* which the Press of his University has just published. The book reflects his long years of study of

and participation in American government, including his recently completed intensive analysis, with an able staff, of governments of all levels—national, state, local—in Minnesota. Our constitutional system seems to me sometimes mistaken for the earlier Articles of Confederation, or that of the Confederate States of America. But it is a view widely shared, and the issue is relevant to our present discussion. What Anderson reports is the partnership and interweaving along functional lines of all three levels of government. I have hitherto confined my analysis to the line of strategic points of decision-making on the federal, or as I would prefer to say, national level. I have said that at each point planning of the decision inevitably takes place, and that there is a tendency to widen participation, as through the party system at one end, and advisory committees, referenda, opinion surveys and other devices at the other; and that there is a tendency to regularize these through law and regulations as to membership and procedure. But this over-simplifies the process, because of the fact that the same activities may be carried on by states and local governments. What is more, it is often argued that the place for public participation in Federal programs is by using the state and local governments as the enforcement agencies, and thus recruiting what we might term state and local publics.

But there are the same problems surrounding such delegation as we have noted for delegation along the line on the national level, and some others in addition. Here again, if we are aiming at a nation-wide or international problem (let us say general economic factors) dispersed and varied state and local powers and resources cannot reach it. If it is a matter of national aid to state and local programs, we shall still have to define and sustain the national interest in them to prevent one state or local unit from getting unfair use of the national aid as against others.

A more serious limitation on complete delegation of national programs is the fact that there may be internal conditions within the state which would limit their effectiveness or indeed defeat the very purpose of the policy. There may be lacking resources in finance, or administrative personnel; or provisions long since frozen into constitutions and laws may have been outmoded by shifts in population. Great and rapid changes in the location of our population and in land use have strained older structures and jurisdictional areas. At the present moment Congress is debat-

ing a program of financial loans by the national government for school construction proposed by the President in part because of what was described as state restrictions on local borrowing rendered obsolete by these changes in population and tax base. This proposal follows, incidentally, the authorization by Congress of an elaborate system of public conferences by states and at Washington on educational policy.

Public health policy and the financing of hospital and other services illustrate further the fact that all levels of government must supplement and not supplant one another functionally. The startling growth of metropolitan areas, with a relative or absolute decline in population and resources of the core city in contrast with the suburbs and urban fringe is a dramatic example of the problem. National housing and urban redevelopment policies are called into existence in part by the failure of state legislatures, reflecting not only city-rural conflict but an earlier districting, to act upon these changes. The new communities themselves—and I may well include older rural villages now receiving urban overspill from the widened journey to work by car and paved road—can hardly be said to be at this stage effectively integrated into a meaningful political society.

One of the best informed and most experienced analysts of this situation, Coleman Woodbury, concludes a recent discussion of these suburban developments in the *American Journal of Public Health* (Vol. 45, No. 1, Jan. 1955) as follows: "Socially and psychologically both the metropolitan and the suburban bodies politic will remain split up into groups and classes unable to communicate effectively, mutually suspicious, incapable of defining their common interests, or of cooperating to realize them. Quite possibly an increasing number of people will see that suburbanization over the longer term is not an effective way to run away from the problems of modern urban life. Sooner or later most of the old problems show up again in one form or another and are often accompanied by other difficulties. Recognizing these facts may open the way for plans, policies and action to steer most kinds of suburbanization away from their present difficulties and toward more generally satisfactory forms of physical and social development."

In western states of limited rainfall and sparse population and also in the Pacific Northwest, the fact that so large a portion of the land is owned by the United States, and that its government is trustee for the whole country, further conditions any policy of

leaving national policies to be determined largely for it by the states. And in both North and South the existence of one-party domination of state legislatures is cited in a recent analysis as tending to discourage widespread interest or participation in public policy. V. O. Key and Corinne Silverman, in their "Party and Separation of Powers" (*Public Policy*, Vol. V, 1954) conclude that "The combination of party system, separated powers, and over-representation of non-metropolitan estate often makes irrelevant any conception of party collaboration in the operation of government or any theory of party accountability for its conduct . . . When the dominant mood of an era encounters institutional blockages at the state level, the flow of effective political power is apt to result in accretions to Federal functions. Over broad functional areas of government the doctrine of state's rights tends to be equivalent in this effect to a doctrine of political dual federalism: a decision against Federal action coupled with the politico-constitutional system of the states amounts to a decision against any action. Those persons concerned in good faith about Federal centralization might well give their attention to the effectiveness of state political systems as instruments of popular government." (Pp. 406, 411, 412).

I would myself extend this advice to a consideration of the local levels of government. This Department perennially struggles with the problem of coordinating its field activities so that the farmer, for example, who is the responsible decision-maker for his basically important operating unit, the farm, may better balance his own program and budget. The impact of policies, however, extends to every aspect of local public housekeeping—land values, tax base, road location, school and other services. Among the many organizations, each claiming time and energy of busy citizens, I select the general governments of town and county as strategic for the task of guiding the application, so far as within their powers, of the many functional programs of national and state governments to the needs and resources of the local community, in wisest priority. Here is a fundamental point of public participation at the local level in the policy process, but it tends to get obscured by the eagerness of one national or state agency to push its particular program, and by the rivalries, gaps, and overlaps among the many of them. I would record my observation of the generous and intelligent work of so many officials of national and state agencies I have observed in the field to go as far as possible within their discretionary powers

in adapting national and state policies to the total local situation in cooperation with local officials and groups.

But there is no royal road to perfected Federal program making along which, at strategic points of decision making, we can halt to invite the assistance of the public, even if we break up the task into many parts and ask the state and local governments to perform it. In consequence, we use many roads, varied as to functions and the nature of the problem. We have transformed our Federal system into three levels, instead of the former two, by incorporating local governments into our older inter-level relations of nation and states. We have created a new federalism of functions, crisscrossing the areal jurisdictions. We have set in motion forces creating new pressure groups.

You will ask, really is it the public that is participating, or an anti-public ganging up of the greedy, the sly, the selfish, or at best the narrow-minded, taking over for their own benefit the powers, even if limited by decision and regulations, of government?

This is the hardest question of all. For what is the public? Few are able even to formulate something understandable in words, very few indeed among writers on politics, or practitioners. I would think of Burke, with his fine passage as to "those who are living, those who are dead, those who are to be born"; of Lincoln, in his Second Inaugural, when in the midst of civil war he can speak of the two divided contesting forces with sympathy—"with malice toward none; with charity for all" and look forward to their joining in "a just and lasting peace among ourselves, and with all nations." One of the finest statements of relationship of human beings is by the preacher and poet John Donne, Dean of St. Paul's Cathedral in London. Lying seriously ill in his house close by, he would spend sleepless hours at night writing a series of "Devotions," and one was on the tolling bell which struck the hours and noted the coming of death to some one. The writer Hemingway took a book title from this great passage: "No man is an island, intire of it selfe, every man is a peece of the Continent, a part of the maine; if a Clod be washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of they friends or of thine owne were; any mans death diminishes me, because I am involved in mankinde; and therefore never send to know for whom the bell tolls; It tolls for thee."

These are very high peaks of human sensitiveness and insight.

But it will not hurt us to have them in mind in this last stage of our inquiry. One of our last generation, John Dewey, in his "The Public and Its Problems" sought to define the nature of a public, and distinguish it from the associations of narrower scope and membership, and I commend the book to you. One of his points is that when a public recognizes itself, that is when a group of people see that they are extensively and indirectly affected by certain conditions and wish to deal with those conditions, they organize through government. Government is their primary form of joint participation. Associations of people *directly* concerned with the same situation presumably can look after their own interest. But we have been considering the use in government and by government, especially at the executive end of the line of policy, of these groups and individuals, only portions of the public. Their interests and views may be opposed to the larger and longer time needs of the large public. Can these be reconciled?

In preparing this lecture I have been reviewing a great number of papers prepared in the past twenty-five years on these developments in policy-making. Their number—and I may say general excellence and a kind of integrity in search and study—give me a sense of the importance of this development in our government, and a pride in the many participants who have expressed their views and scholars who have studied the experience, some of them participants also. I think I could fairly say that all of these writers are sensitive to the problem; many of them warn against too uncritical a use of terms such as "democracy in administration" and "grass-roots democracy" and the like. But for the most part, sometimes reluctantly, they accept it as a part of what David Truman calls "The Governmental Process." They do so in part because the public must for physical reasons achieve political action through party and other organizations, and because the very multiplicity of channels and devices may widen the range of expression for greater numbers and more varied views.

Thus an early paper (1934) by Lane Lancaster of Nebraska, entitled "Private Associations and Public Administration" concludes "For, if there are dangers in professionalism, there are even greater hazards in conferring official status upon the representatives of economic interests which as yet can lay little or no claim to professional standing. This makes it desirable, perhaps, for the state to retain, through officials politically respon-

sible, a direct control over such matters. Considerations of this sort make it advisable to be cautious in speaking of the devices we have been discussing as introducing 'democracy' into administration. For there is a wider public requiring protection against those in power, and it would be illusory to build a theory of administration upon the belief that the effective public in every instance consists merely of those engaged directly in the conduct of a business and profession. But with these reservations it is evident that there is a good deal to be gained by the closest possible association between public officials and 'private' groups. Something in the nature of bureaucracy is inevitable under any conditions conceivable in the future. If such devices will permit the official class to stand in a closer relation to the public they may help to make bureaucracy, if not popular, at least tolerable and above suspicion."

As the functions of government expanded in the 1930's and structure and organization grew more complex, there were a number of accounts by social analysts of the new devices of participation, noting parallels in the effort to influence policy-making in the legislative process, and indicating, as does John Lewis, for example, the need for a theory of public administration that will reflect them. The growing tendency in social theory to stress struggle for power among social groups, and the new or renewed older emphasis in research on a comparative and intensive study of human relations in groups are reflected in more recent studies.

Some interpretations from the increased available data are now being published. Those dealing primarily with the United States Department of Agriculture are in themselves so numerous that I have time only to cite examples, such as Reed Frischnecht's article on the A.A.A. committees ("The Democratization of Administration: the Farmer Committee System," *American Political Science Review*, Vol. XLVII, No. 3, September 1953, pp. 704-727) and "The Referendum Process in the Agricultural Adjustment Programs of the United States" by Professor Robert E. Martin of Howard University. Both were based in part on doctoral theses. Dr. Martin's thesis (University of Chicago) was on Negro-White Participation in AAA Cotton and Tobacco Referenda in the Carolinas, which I have had the privilege of reading. His data seems to me to support the view presented above, that these devices may helpfully supplement the older conventional channels of participation in a locality.

Another unpublished thesis, that by Mrs. Ellen Sorge Parks (University of Wisconsin) has the added value of presenting the experience with county land-use planning committees, because this effort will some day have to be renewed in some form and indeed in some counties has persisted. An article by Edward C. Banfield, "Organization for Policy Planning in the United States Department of Agriculture" (*Journal of Farm Economics*, XXXIV, No. 1, Feb. 1952) gives a critical evaluation of the general development in the Department, particular episodes of which have been treated in such well-known books as those by Benjamin Baker, Bela Gold, Charles Hardin and Robert Parks. I think you will agree that the scope, variety and quality of the work being done, much by fine young scholars of differing outlook and background, on the exploration, appraisal and reporting on all these developments is in itself a healthy and creative part of the governmental process.

My concluding comments, while personal and prejudiced and reflective perhaps of the perplexity of an older person in whose lifetime there have been two world wars and a major depression, are dependent also on these studies of so many others. I believe that our present emphasis on the power aspects of program making, and on intensive analysis of group relations is supplying added data and insight. It is the more important therefore to relate this to the analysis of the purpose for which the policies are undertaken, and to the fact that it is public government through which they are undertaken. One must be particularly cautious where personal motives in group life are involved. Motives are mysterious and complex. In my own experience with trade associations and pressure groups in industry and natural resources I found to my surprise that the persons who emerged as most influential among their mates were those conveying—often quietly and sometimes slow in emerging—a wider, longer, may I say more public view, not the most narrow of the zealots.

The committees I have in mind became, however inadequately, ways of approach to "right by agreement" which Max Otto, Ordway Tead, and Mary Follett advocated decades ago. I respect and have learned from Philip Selznick's study of the T.V.A., and his exploring of the dangerous by-products of "cooptation." But I knew well one member of the first Board of Directors before the Board was created, and talked at length with the other two members in the first months of its existence. I know that the

idea of working through local and state institutions wherever the national statutory objectives permitted was deeply present with at least two of them before the Act was passed. How much influence on policy shall I ascribe to this, how much to the "sociology" of later administrative and political experience?

When Mr. Waters Davis in a presidential address to the National Association of Soil Conservation Districts stresses soil conservation as basic, and expresses the fear that it is put secondary by various national and state agencies and other farmer organizations, and a land grant college dean tells me that the basic thing is rather to achieve for each farm a plan based on a budget which will enable the farmer to make a go of it, I find, in my declining years, that both have a point, and that instead of, or in addition to, a "struggle for power," we have a problem of intellectual analysis and diagnosis, among other things, and by the very extension of points of decision-making to the client citizen who is struggling to keep afloat we may increase awareness of all the elements that must be assimilated in a public program.

To facilitate this longer, wider view, I conclude—and how old this doctrine is in our American evolution!—that unless careful work on policy is done on both legislative and executive ends of the line of strategic points of decision making, we will fail to keep public goals and methods clear in participation at the point of their application. Clarity of statute objectives and allocation of resources, common operating assumptions across all bureau and department lines as to common elements such as land use, for example, and department personnel familiar by experience with the relating of special expert knowledge to the variety of local conditions, seem to me the basic public participation in program making. V. O. Key remarks on this problem (in his *Politics, Parties, and Pressure Groups*, 1952, p. 741) "The problem of bureaucracy is in part not a problem of bureaucracy at all. It is rather a question of attracting into party service an adequate supply of men competent to manage and control the bureaucracy from their posts as the transient but responsible heads of departments and agencies. Publicists have been greatly exercised about making the civil service attractive enough to draw able men to it as a career. Of no less importance is the attraction of even abler men to the service of parties to direct and carry responsibility for the direction of the career staffs. It is through such persons who owe their posts to the victorious party that popular control over government is maintained."

But I would not fail to stress here the decisive importance of the civil servant as trustee through knowledge and experience of the public, serving under legislative-political direction, and dealing directly with the client-citizen. I hope you know a recent article by one who served in this Department, Robert A. Walker, about his chief: "William A. Jump: the Staff Officer as a Personality" (*Public Administration Review*, Vol. XIV, No. 4, Autumn, 1954.) There is a paragraph that is particularly relevant to my emphasis here on the corporate, cumulative life of the civil service as a public resource. "It should be stressed", writes Walker, "that the culture of bureaucracy—a quite tangible cultural milieu—engulfed Jump early in life. It conditioned his outlook and feelings in many ways. This was not the case, however, for the younger university-trained men. They came from an environment which more often than not put emphasis on goal-oriented values—i. e., on good vs. bad policy. Many of them came to the department because of its liberal orientation during the thirties and early forties. These persons, in Budget and Finance and outside it, sometimes felt a sense of impatience because of his tendency—as they saw it—to put protection of the department, careful attention to strategy, and long-range appraisals of the mood of Congress ahead of vigorous pursuit of goals they thought obviously desirable." As we stretch out the line of participation, precisely these qualities held by Jump are among the safeguards for that public wider in time and numbers than the immediately participating groups and citizens. We are enabled, after the old story in our high school Ancient History, to have an appeal from Philip drunk to Philip sober. We are given greater assurance that the dockets now up for signature are a corporate product.

We are at once one of the oldest of governments and newest nations. We are undergoing rapid change in the numbers and distribution in age and location, of our population. Twice in the last half-century important attempts to adjust our policies to changing environment have been interrupted by the catastrophe of war. We need to use responsibly devices that may be risky to acquaint our citizens with the larger setting and deeper causes, of our difficulties and the possibilities of adjusting our private and public housekeeping. But we must see these devices in perspective with the legislative-political and the executive setting. It is one of the glories of this Department that from its very founding it has been a pioneer in the development of new devices of government. But it is also a glory that it has been much more

than a representation of interest, more than a Department *for* Agriculture. Not least of the cause of this has been the service of such men as Jump and McKillop. They have helped to make it the United States Department *of* Agriculture.

ETHICS IN PUBLIC ADMINISTRATION

by

HERBERT EMMERICH*

YOU HAVE MADE me feel very much at home today, and I have had a fine reception here in the Department of Agriculture. I was invited to lunch with some of the officials of the Department and later held a reunion in my old agency, the Farm Credit Administration. Quite a few of my old friends are still there. I also renewed acquaintanceships with many people in the Department whom I have known for years.

I am honored to give a lecture in a series that bears Bill Jump's name. I hardly knew Mr. McKillop, but Bill Jump was one of my good friends, and he was a great guy. He was a very unusual person, and I think all of us who knew him learned a great deal from him. At one time I shared with Bill one thing which perhaps I didn't show as much as he, and that was extreme deference to academicians. I have now become used to people in academic life because Public Administration Clearing House is on the campus of the University of Chicago. Most of my awe—not all of my respect, but awe—has been shorn off; but Bill never had such an experience, though I have reason to know he had no cause to be modest! He could hold his own with any of the professors, and he had an ingrown public service conscience which made his life an example of what I am talking about today.

Ethics in public administration is a big subject, and I have found a great deal of difficulty in treating it adequately in a short lecture. I shall speak to you informally from the outline I have prepared. The outline, I fear, is not for an hour's lecture, but for a five-foot shelf of books. I have promised that I would not keep you until Easter and I will try to finish by five, no matter what part of the outline I have reached, in the hope that if anyone is moved to discussion or there are questions from the floor there will be a little opportunity before the car pools get into action.

* Director, Public Administration Clearing House.

It is difficult to approach a discussion of the problem of ethics without a certain feeling of self-consciousness. It is not easy to avoid terms which sound sanctimonious and perhaps a bit priggish, and it is particularly difficult if one is not a preacher—or at least not a professional one. All conscientious people must honestly admit that at times they have had qualms about decisions they have been forced to make, and few of us can afford to be self-righteous about always having made the best decisions. I hope, therefore, you will not find my comments to be too strait-laced and unrealistic, because I happen to think that the standard of government conduct must be high, and perhaps at times I will sound a little tough.

Let me point out that there has been an immense growth of literature on the subject of ethics, particularly since World War II. Some of it has doubtless been due to investigations, public disclosures and perhaps excess notoriety concerning malfeasance in certain parts of local, state and national government; but whatever the cause, the subject has been interesting to a great many people, not only in the field of administration and politics but in the field of the organized professions. A veritable rash of books has appeared as well as official reports and periodical articles. Perhaps the most advanced and sophisticated book I have come across is the one entitled *Morality and Administration in Democratic Government* by Paul H. Appleby, the Dean of the Maxwell Graduate School of Citizenship at Syracuse University and former Under Secretary of the Department of Agriculture. The book is difficult to read and requires the utmost concentration, but it is worth the effort for those who wish to bite their teeth into the more advanced problems in the field of ethics.

I also recommend for anyone who has a philosophical mind a little book by a man named Leys, called *Ethics for Policy Decisions: the Art of Asking Deliberative Questions*. Mr. Leys teaches at Roosevelt University in Chicago. He took several of the case studies in a book many of you may know called *Public Administration and Policy Development* (edited by Harold Stein and used a great deal now in teaching public administration in universities), and he treated these case studies as ethical problems. He also wrote seven or eight chapters by way of introduction, describing in a nutshell the great ethical systems of the past, starting with the Greek schools of philosophy and coming down to the 18th and 19th century philosophers and

political economists. You can pay your money and take your choice from this series of little samples in capsule form of the leading schools of classical philosophical and ethical systems. It is an elementary but stimulating background for measuring some of the problems we are going to discuss today.

I had a very early indoctrination in the subject of ethics. I am not asserting here that the vaccination took or that rigid ethical indoctrination at an early age is the best pedagogy, but at least I was made conscious of the problem by the school I went to as a boy. It was the Ethical Culture School in New York, which was founded by Professor Felix Adler, who was also the founder of the ethical religious movement. Professor Adler had a tremendous effect both on education and on the churches, particularly in increasing their emphasis on social responsibility. So much of Adler's teaching has been adopted by the schools and the churches—so much has become almost matter-of-course—that he himself and his influence tend to be forgotten; but he was the first to re-state, in a time of great materialism, that right conduct was the most important phase in the life of man, and that right conduct should not be entirely determined by listening to a preacher on Sunday, but was a matter for thought and action seven days a week. He also contended that ethical laws were not something finally laid down either in the early Bible or the late one, or laid down by any one great doctrine. He believed that ethics is a dynamic concept, that ethical values evolve and grow, and that therefore they need study and restudy.

I was reminded the other day about the little girl who read the Old Testament with great observation, and when she got to the end of it she said, "Oh, Mother, hasn't God improved!" Well, the concept of God does evolve in the Bible, and under the various profuse interpretations of the qualities of the Almighty, He gets more and more attractive as you go along—so the little girl was very perceptive.

For the purpose of this talk and particularly in approaching the most difficult problems in the ethical field, this dynamic concept of ethics is a basic one. Reference was made in the introduction to the fact that my first government job was as an agent for the Secret Service in World War I. This experience probably had the effect of making me slightly suspicious of people—perhaps one might say "unreasonably suspicious." I subsequently had to learn in working in larger organizations that nothing

would get done if one did not trust people and delegate authority to them. There is a little quotation dealing with this idea which is short enough to read and which I think you will enjoy. It is by Philipp James Bailey and says:

Men might be better if we better deemed of them.
The worst way to improve the world is to condemn it.

It has been my experience increasingly in administration that a feeling of trust and confidence in people does engender qualities worthy of trust and confidence. In a minority of cases this feeling may be abused, but the majority of human beings will respond to it. The great administrator maintains a healthy balance between confidence and suspicion, but how he achieves it the books still fail to tell us.

It may be well to consider at the outset the general setting or atmosphere in which big government operates, the rules under which it works, and the special circumstances of American government in relation to the rest of society. This background is important, as it indicates the pressures on government officials and the temptations to which they are subject, which occasionally lead to violations of an ethical standard.

Extremely pertinent in this connection is the great growth in the last 25 years in the number of points at which government touches private interests. This period has seen an extraordinary expansion of governmental functions in a society which is committed to the maximum opportunity for private enterprise. In 1940 I had occasion to write an article for an accounting journal, and I beg your indulgence to quote what I said then about this matter—and in 1940, please remember, the impact of government on private endeavor, particularly in the size of its budget, was still small compared to what it is today. I wrote then—

... you find the impact of the newer administrative Federalism all about you. You may drive your car over a Federally-aided road to an airport where you take a plane subsidized by the Civil Aeronautics Authority. You arrive at another city after passing over a Federal system of air beacons and land safely because of Federal weather reports. You may finish your journey in a railroad financially assisted by the Reconstruction Finance Corporation and regulated by the Interstate Commerce Commission. In fact, you may stay overnight at a hotel acquired by the Reconstruction Finance Corporation Mortgage Company as a result of a foreclosure of collateral taken out of a frozen bank. You go to your national bank belonging to the Federal Reserve System and make a deposit insured by the Federal Deposit Insurance Corporation. You buy

some securities after looking over the prospectus prepared according to the requirements of the Securities and Exchange Commission. You return by sea on a steamer subsidized by the Maritime Commission, and on your journey you listen to Broadcasts by stations regulated by the Communications Commission. At home you pay the interest on your Federal Housing Administration or Home Owners' Loan Corporation mortgage. There is a strike in your town being handled by the National Labor Relations Board or mediated by representatives of the Department of Labor. You spend some time filling out forms for your employees for Social Security taxes and you fill a vacancy in your shop by calling up a Federally-assisted employment exchange. The new employee must work at Federal rates for wages and hours. One of your friends is down on his luck and is forced to take a job on a white-collar survey project under WPA. Your farmer brother is financed by the Farm Credit Administration and enjoys soil conservation and agricultural adjustment benefits as well as the advice of Federally-assisted county agents. His electricity comes to him by means of a Rural Electrification Administration line.

Those were the examples that occurred to me then. You yourselves could add to these cases many others which illustrate the enormous growth in the interconnection between Federal government functions and private endeavor, and a similar growth has taken place at the state and local levels.

The conflicts of interest between government agencies and private organizations resulting from this intertwining in such fields as those of government regulation, government subsidy and government lending, lead to temptations and opportunities for ethical misconduct; and it is because of the widespread and powerful interrelations between public and private interest that the subject of governmental ethics now assumes an importance greater than it has ever had before.

In recent years in the face of increasing complexity of relations between government and private enterprise and in the face of new governmental powers, we have introduced a lot of new rules to the game which seem to violate the old rules. In fact, these new rules have now been in effect so long that we take them for granted and perhaps we are no longer shocked by them as some of us were when they first were adopted. An example of a new rule is the way in which the government makes contracts with private institutions. During the War the practice of competitive bidding was generally suspended and government agencies were given the right to negotiate contracts. This practice has been continued to some extent, particularly in the fields of

military contracts and in the fields of research and development. Granting the difficulty of finding the proper way of making bids on complex new weapons and on research projects, it must nevertheless be noted that present practices are a complete reversal of the old rules. The government is now contracting for billions of dollars of all kinds of services with research institutions, with universities, with business corporations, contracting for services at home and abroad, all under rules which to a great extent have set aside the old competitive bidding processes. This gives a much greater element of choice to contracting officers and in the hands of weak personnel presents a danger. A higher standard of judgment and character is called for whenever a public official is granted great discretion.

Another example of a new rule is in the continued use of men, especially in emergency agencies, on a dollar-a-year basis or on a WOC basis. "Without compensation" means that private firms are compensating individuals while they are performing government service, and this is a violation of the old rule that a man cannot serve two masters. There is always a question whether he is representing the Government or whether he is representing private interests. The Government, particularly in industrial mobilization agencies, needs such a man; it may not be able to get along without him; but it is never quite comfortable about him, and neither is Congress or the press. The man himself may not be comfortable. During the war many dollar-a-year men came to Washington and patriotically inconvenienced themselves, often to the extent of hurting their own firms because they bent over backwards to be impartial, but conjecture always followed them; and in spite of their sacrifices and in spite of the fact that the practice is now generally accepted, this violation of an old rule still brings up grave questions of policy in our public service.

Another problem which requires a great deal more thought and study than we have given it and which has ethical implications concerns the use of advisory committees by government agencies. The use of committees of citizens who come to Washington from time to time is a most refreshing aspect of American government procedures and can be most helpful in the administration of a program. However, it too presents certain dilemmas. A committee feels frustrated when its advice is not taken, at least occasionally. Increasingly advisory committees tend to decide things instead of to advise on them. In a sense here is a new practice or a new rule which violates old rules. There are

certain dangers, including ethical dangers, in giving an advisory committee powers of decision. The practice tends to diffuse the placing of administrative responsibility for decisions and has the further disadvantage of leaving special powers and privileges in the hands of a few citizens. In some cases these powers are assumed by a committee and in other cases they tend to be statutory powers, but in both instances ethical problems are presented which have never been fully identified for solution.

Consideration of ethics in government is also affected by the fact that Americans have not tended to regard government service as a career in itself to the extent, for example, that Europeans do. The public official in the United States, because of his attitudes toward the choice of a career and the way in which he prepares himself for it, is much more likely to transfer from government to private enterprise and back again than the public official in other countries. This flexibility between public and private sectors of our economy is nothing to apologize for. I have always regarded it as one of our strengths. But foreign observers think our attitude toward a career in government service somewhat strange. I call particular attention to an article by a McGill University professor, Keith Callard, "On the Ethics of Civil Servants in Great Britain and North America," which resembles in many ways an article written for *Public Personnel Review* several years ago by Roger Grégoire, then head of the French Civil Service. Both the British and the French are aware that the difference in concept of government careers is essentially one of training. In the United States we train for various professions. We train for the specialty of engineering and its subdivisions, for public health and its subdivisions, in the various agricultural sciences and their subdivisions, in accounting and in many other specialized vocations. Recruitment to our Civil Service is for very target-pointed positions with considerable details as to specification, calling for highly specialized skills.

Since we train for professions, the identification of Americans is largely with their specialties. An accountant is primarily an accountant, and if he enters government service he becomes identified with the government only after some years. Many men in government service regard it as a transitory post from which they will eventually go to private employers. In the American public service most administrators are promoted to administrative posts as a result of having excelled in a specialty. In the higher administrative services in other countries, the administra-

tive class is frequently chosen without regard to a specialty and becomes identified with a government career right from the day of appointment. The general administrative class in England, most of which comes from Oxford and Cambridge, is mobile, unspecialized, and committed to Her Majesty's Service as a whole. We, on the other hand, tend to identify not with the government service as a whole, not even with a departmental service, but with specialized agencies such as the Bureau of Labor Statistics, Farm Credit Administration or one of the housing agencies. There is more mobility in the U. S. between government service and the rest of the economy, but less mobility *inside* the service. Although this mobility between private and public careers is a positive good in the American system, it must be faced that it presents special problems. If a government official's first identification remains with his specialty, there is all the more need for special indoctrination to insure that he follows a standard of conduct suitable to all government employees while he is in the government service.

In addition to the comparative view with regard to governmental careers—by which I mean the comparison of American practice with practices in other lands—one can take the historical view of ethics in American government and derive a great deal of comfort from it.

After every war the American people have come to expect a slump in two things: a slump in business and a slump in public morals. Since World War II we have experienced a little slump in both fields, but it looks as though this era has been an exception to the customary cycle, because we got less of a slump in both respects than in other postwar periods. Furthermore, the slump in public morals has been attended by a great deal more indignation than ever before. Indeed, indignation to such an extent that—as I tried to point out in an article entitled "Scandal in Utopia" that was written in 1952—it is wise to keep a balanced point of view about reports of government malfeasance. In the case of the investigation of the Internal Revenue Service, it was important not to magnify the situation or to underrate it. Here was a Service which had had a very high reputation over the years and some of its officials had hurt that reputation, but it had already taken steps itself to make sweeping changes and was ready with recommendations long before some of the incidents received public notice. The Kefauver investigations of crime in the large cities gave prominence to low standards in

certain local situations, and there were investigations of the RFC and other agencies; but considering the amount of freedom granted to executive agencies in the depression and in the war period, I think it may be said that we have had fewer scandals than at any other time in our history, that the ones that occurred were promptly investigated, and that the Federal service continues to operate at a high level in these respects.

Citizens have not always been so concerned with public morals. At one time they were either cynical or indifferent; now they not only expect but demand probity in public service. They tend to be shocked by occurrences which 30, 40, or 50 years ago would have been considered normal. This may be due in part to the fact that they are more affected personally by what happens in government than ever before. They must insist on honesty in a service to which they pay their taxes and to which they entrust their personal security. But I think it can also be said that the growth of the merit system and the career service have been influential in raising the standards. So have the powerful professional groups that play a special role as watchdogs of the standards of specialized services. In most cases the scandals in the Federal service occur where political penetration by patronage employees has been particularly prevalent and where professional societies do not exist. Even in the rare cases where employees with civil service status are involved, it is generally in field positions dominated by a political superior.

The basis of ethics in democratic government centers in the necessity of equal treatment for all of its citizens. Every violation of ethical behavior results from favoring one person (sometimes oneself!), one group, one concept, to the detriment of other persons, groups and concepts. The elementary ethical problems involve outright corruption and political or personal favoritism; the advanced problems concern conflict of loyalties and sometimes even the need to determine which among several good courses is the best for the greatest number of people. The conscientious official is forever asking himself, "Am I according as nearly as humanly possible equal treatment to the persons and organizations who constitute the clientele of my agency? Am I giving fair and equal treatment to members of my staff?" This point of view is essential not only to an ethical appraisal but to the essential attitude towards democracy in administration—the keynote of this lecture series.

In trying to solve some of the elementary ethical problems,

some conscientious people have tried to define standards of conduct in terms of degree. I refer to an incident quoted in Leonard White's book on the Jacksonians—which is the third volume of his fascinating history of American public administration. Professor White recounts how John Quincy Adams received a gift of soap when he was President. His inclination was to decline the present, but his wife, as he puts it, shamed him out of that fancy. Then he says, "My principle has been to refuse all presents offered me as a public man, but here the value is very small. I thought it would be ridiculous to make a point of it. It hasn't been easy for me to draw a line on it." My old friend, the late Professor Charles E. Merriam, used to say that a bottle of whiskey given to a government official was a friendly gift, a case of whiskey was a bribe. The great ethical philosophies of the past which Mr. Leys describes do not help us to determine once and for all whether the limit is a bottle, a pint, a fifth, or a case. There is probably some dividing line. Senator Douglas in his stimulating little book on ethics, which reprinted a series of lectures he gave after the hearings of his Subcommittee on Ethical Standards in Government, says he finally adopted the rule that he would send back any gift that cost more than \$2.50. His friends teased him about accepting a gift it is cost \$2.49 but having it return it if it cost \$2.51. One writer asserts that trouble begins on the acceptance of the first cigar, but it seems to me that is drawing it pretty fine. The point is that conscientious officials are concerned about these things and tend to make their own working rules.

In the case of the elementary problems of bribery, corruption and special influence, there are two types of controls that can be used, external and internal, the latter being psychological in nature. Let us first examine the external ones.

The Department of Agriculture for many years included in its annual reports a list of terminations that occurred in the Department. This list had the virtue of showing the general public that the Government was on the job to discharge employees from duty for incompetence; but its publication also acted as an external control on employees as well.

A major external control is the general fear of public disclosure, and it is self-evident that good systems of internal inspection and audit are a healthy deterrent to loose practices and an effective stimulus to their prevention and correction.

Another external control advocated today is the Code of

Ethics. Senator Douglas in his report to the Subcommittee and in his book brings this out very strongly. Most of you know the various points he raised, but I can repeat them very quickly. They certainly ought to be mentioned, and they consist largely of "Thou shalt nots." To quote directly from Senator Douglas—

. . . the following specific acts should be declared improper.

- (1) Engaging in any personal business transaction or private arrangement for personal profit which was based upon the official position or confidential information of the official.
- (2) Accepting any valuable gift, favor, or service either directly or indirectly from any person or organization with which the official transacted business for the government.
- (3) Discussing future employment outside the government with a person or organization with which there was pending official business.
- (4) Divulging valuable commercial or economic information of a confidential character to unauthorized persons or releasing such information in advance of its authorized release date.
- (5) Becoming unduly involved (for example, through frequent luncheons, dinners, parties, or other expensive social engagements) with persons outside the government with whom the officials did business.

The Committee also recommended a number of procedures, including such things as the regulation of the appearance before agencies of employees who have recently left the government service; and finally there was the well-known suggestion of Senator Morse that persons of grade fifteen and above, and members of Congress too, would have to disclose their private incomes by filing them for public inspection. This wasn't definitely recommended by the Committee but it was put on the agenda for further discussion. The State of New York has recently adopted a statute requiring this type of disclosure.

This Code of Ethics, in my opinion, does not answer the hard questions. However, such codes have a distinct value. For the rank and file, for the people who may not be sensitive to the hard questions, for the newcomers not entirely identified with government standards, they do establish the rules of the game, which, with adaptation to the special problems of an agency, can be enforced. These codes provide material for much needed basic training and indoctrination courses; but service training procedures should go much further than they do in alerting

people to specific and recurring ethical problems. These are the problems that tend to be suppressed and that people are afraid to mention. Supervisors should from time to time bring them up and accustom their staffs to raise questions about them. Helpful suggestions would result, and I think the discussion would give a lot of people relief from pent-up conflicts. Such discussion would also transform written codes into dynamic living instruments. They would make people aware of the significance of daily decisions taken from an ethical standpoint and would lay the basis for considering the more difficult and advanced problems.

When we examine the other category of controls—those that are internal or psychological—we necessarily enter a field that is very personal. None of us ever solves all of these personal problems, and I don't want to advocate a counsel of perfection or sound too smug. Their solution is a matter of degree and of achieving a normal high batting average of human fallibility. A man once confided that when he considered going into a certain line of work he told his wife, "I can go, of course, if we are prepared to limit our annual expense." And that certainly is true of people going into government service. There isn't the opportunity in the higher grades, the financial opportunity, that private business offers. A man and his wife have to decide when he goes into government work that they are going to adopt a modest standing of living.

Of course there is the question of entertainment and of avoiding big partyism. I have always thought it was better not to accept frequent invitations of a type one cannot reciprocate. The giving and accepting of rather lavish entertainment is customary in business, but it is not an accepted practice in government circles.

There is an interesting discussion of a civil servant's budget in England in a book by Lady Murray, whose husband—the late Sir Asbert Murray—was the permanent secretary of the British Admiralty. In "The Making of a Civil Servant," Lady Murray compares their budget when they were first married fifty years ago and the budget of a similar civil servant today. She describes how they once decided to give a dinner party which was entirely beyond their means and they were so busted they could hardly eat for two months after that. This is a very revealing story. It gives actual data from expenditures of this civil service family in England. It is quite obvious that whether

the government's budget is balanced or not, the civil servant's budget has to be. And this is a pretty basic attitude in the civil service, it seems to me, and most of the government people I know do a pretty good job of it. Conversely, the man to watch and who needs help and guidance is the one who begins to keep up with the Joneses.

It is also important for the man in government to be a healthy and normal member of his community. He shouldn't become too isolated. Whether he is in Washington or in a field station, he should take some interest in local affairs and should have a group of friends not entirely confined to the sphere of his immediate office activities. He should demonstrate that he is not too different from the ordinary citizen and should be prepared to take his place in the community as a citizen. And in addition to community activities he can engage in a wide range of pursuits that are broadening and conducive to a balanced and growing personality. Hobbies, fields of special study, broad reading in history or biography, and satisfactions from religious affiliations are obvious examples.

All organizations, public and private, have to face from time to time the problem of alcoholism. In the modern world this is a special problem, particularly where personnel is frequently in travel status. The contemporary view is that excessive drinking is a symptom of something and not the cause of something. In public service, excessive drinking—and I am not a prohibitionist by any means—has the special vice that it does make men vulnerable to pressures they would normally not yield to.

And this brings us to the most difficult problem of internal control—the basic psychological maladjustment of the individual. Here the government service could do a lot better job than it does. Industrial organizations have ventured much more courageously in this field. They do have ways of referring problem personalities to skilled counselors; and if a person is really badly maladjusted, the counselor can in turn refer him to a psychologist or psychiatrist, as his need indicates. Government has done something in the way of first aid and rest rooms. It hasn't done very much about counseling its employees; and very frequently the presence in an agency of a person who has failed to adjust—no matter how many well-meaning efforts have been made to transfer him from one department to another—can cause not only a breakdown of morale in the office but, more

importantly, can lead to transgressions and disgrace for the individual and his unit.

On the point of discretion and unguarded talking, my experience tells me that women in government are better at keeping confidences than men. During World War II I never heard of any case where a woman revealed anything of importance, but men did, and they frequently did because they wanted to express their ego. They would go to a party and say, "Donald Nelson told me there are going to be priorities on widgets in the next two weeks." They weren't intentionally giving away secrets, nor did they stand to gain by revealing information. They simply wanted people to know they knew the boss and were "in the know." This was a prevalent symptom of small shots acting like big shots, and it was very seldom displayed by the distaff side. There is an obvious maladjustment in an individual when the need to demonstrate that he knows the boss becomes the cause of his giving away something he never intended to. Skillful gossip columnists and foreign agents both know how to exploit this proclivity.

All the psychological studies of so-called primary groups indicate that supervisors must give time to listening to individual employees and that this is the best mental hygiene. Supervisors need to be patient and sympathetic, yet firm. Office deportment is very important. It varies with levels of operation and kind of office, but there should always be an atmosphere of friendly impersonality. The boss must not fall on his face for anyone in particular. Office cliques, favorites and pets are harmful to morale and begin to raise questions of impartiality and objectivity on the part of management.

Time today does not permit more than a brief mention of the advanced ethical problems. These problems are those of conflicting loyalties. This may take the form of a conflict of loyalties to an immediate superior and to instructions from Washington. By way of illustration there is one awfully good case cited in the book, *Public Administration and Policy Development*. It concerns a young man who was Vice Consul-General in Indonesia in 1946 and who was torn between obligation to carry out orders received from the State Department and a desire to follow the orders and attitudes of his immediate boss, the Consul-General. The background lay in the unresolved conflict between the Dutch and the Indonesians, who were later granted their independence. The old Consul-General was reluctant to deal

with the Indonesians. He was unwilling to antagonize his official Dutch friends, with whom he was still obliged to transact his daily business. But instructions came from Washington directly to the young Vice Consul, requesting him to collect economic data from the Indonesians as well as from the Dutch. The young man followed the instructions, but only after a good deal of soul searching because he knew his boss would disapprove. It is in this kind of case that you have to wrestle with advanced problems to decide where your duty lies, and it is particularly this kind of case that could profitably be discussed at in-service training conferences.

Another example of conflict between interest and ethical choice is presented by the growing notion that the executive as well as the legislative branch must be "representative." It is considered "democratic" now to staff for point of view. When selections are made for advisory boards this procedure may be justified; but when it is done in connection with full-time appointments other than policy-political ones like cabinet officers, in order to get the points of view of various segments of society, the government is committing an inherent error. Professor Emmette S. Redford, in an article in the *American Political Science Review* last December, pointed out that there is little chance that organized groups will not receive adequate attention; the real concern is that the unorganized and weak groups will not have proper attention from government councils. He went on to point out that the man who thinks of himself as a representative of an outside group in a government agency and is trying conscientiously to maintain two loyalties is going to have a very frustrating experience unless he happens to be of the type that enjoys conflicts.

Even the academic man in government has to modify his attitude when he assumes a responsible post. He has to forget the paper he is going to read at his next professional society meeting and concentrate on his work for the government. The reports of the finest research men, unless they have had long government experience, have to be checked very carefully lest they go so far—for the sake of loyalty to their profession—as to insist on policies which will hurt the service they are trying to advise. On the other hand, in extreme cases these men cannot be expected to compromise a high professional principle. Here again is a complex problem and the choices are extremely difficult to make.

There is increasing tendency of fraternization in regulatory agencies between the regulator and the regulated. The early years of regulation by bodies such as the Interstate Commerce Commission or the Federal Communications Commission are usually years of harsh regulation. They crack down on the industry and maybe they go too far. Then, as public clamor dies down, there tends to be better understanding and eventually a tendency to play footsie between the regulator and regulated. Where is the proper balance? The relations between regulated and regulator are also examples of the intricate advanced problems on which much more light needs to be shed.

During World War II the problem of press relations came up quite often. When are you justified in giving the columnist or the newspaper man a leak because you think somebody in the office is doing something which hurts the war effort? When are you helping the freedom of the press and when do you give something to Drew Pearson? There were a lot of people who thought that giving out tips was the thing to do—the patriotic thing to do. I have talked with men in the War Production Board who thought it was disloyal not to leak. They were not members of the civil service. There are many of us who deplore this kind of thing but we can think of occasions when an employee may be seriously concerned with the conduct of his superior and may feel he has to go over his head because the issue is of such importance. Perhaps he has no access to the higher-ups. It is a dreadful thing to be in such a position and to have to make that decision, and it should rarely be made. It is certainly one of the advanced problems for which the elementary texts and simple views of hierarchy and channels of command present no solution.

In Leonard D. White's book on the Jacksonians there is an example of a large defalcation in the New York Customs Office in the 1830's. When the Customs Examiners were interrogated and were asked why they didn't tell the Treasury Department about the shortage, they said that their loyalty wasn't to the Treasury Department but to the Collector. "Our loyalty is to him." This sounds a little antiquated. There are extreme cases where loyalty to the service of the United States must supersede loyalty to the boss.

Another whole series of ethical problems arises from inter-agency conflicts. You go to an inter-agency meeting; you are convinced by the men from the Department of Commerce and

the Department of Labor that you should modify your position in a reasonable effort toward a total governmental approach, but does your departmental loyalty require you to stand precisely by the instructions given you by your own superior? This happens time and again in inter-agency meetings. When are your loyalties to the general government more important than what is generally assumed to be immediate loyalty to your own department? Where can we find guidance on subtle questions such as these?

I know a very famous general who sat for the Army on a Priorities Board and who would never yield an inch, and the meetings of the Priorities Board could rarely resolve any questions. The man was very intelligent. He knew his instructions were wrong, but he was acting on orders from his superior.

Relations with Congressional subcommittees present very difficult problems, many of which are ethical. In testifying before hostile members, when do you admit mistakes? Where will you make concessions? Sometimes the questions are just about techniques and good departmental operations, but sometimes they get into the ethical field, and when they do they are tough ones. I have a profound question whether career personnel should be called upon to answer such problems before committees. And I repeat again that these tough problems are not settled by the rules and codes, but are the ones in which we need postgraduate work and lots of hard thinking.

If there is one point I want to make above all others, it is that the ethical atmosphere is established in the top office, wherever the top office may be. The top office may be the President's office or the Secretary of a Department's office, or the office of a bureau chief or division chief, or way down from the top of the hierarchy to the section or unit head; but the spirit of the force, the tone and atmosphere are going to be determined largely by the examples set and by the demeanor and decorum of the top men or top women of the group.

Even in the face of the crude procurement methods of the War Department prevailing during the Civil War, Secretary Stanton got some kind of order out of chaos and eliminated much graft and favoritism by compelling all contractors to come in and bid publicly at noon in his presence and in the presence of each other. Burton Hendricks describes the incident in the book, *Lincoln's War Cabinet*. Mr. Ickes used some of this dramatic technique in the early days of the Public Works Administration.

A high standard of behavior, an open type of governmental decorum, willingness to listen to people, equality of treatment of staff, equality of treatment of citizens: these are the standards that government agencies everlastingly have to aspire to. And to achieve them requires everlasting study and soul-searching, but in the last analysis the tone must be set by the top men and women in the front office.

It is on this note, Mr. Chairman, that I want to close.

SPECIALIZATION AND THE PUBLIC INTEREST

By

ARTHUR W. MACMAHON*

IT IS A much-appreciated honor to join in this symposium under such auspices and with such associates. As to the difficulty of the subject assigned me and my inadequacy, I confess they bring to mind a little house that used to stand between Union Station and the Capitol. That was in early 1920's. By that time the saloon that used to be there, bearing the double-faced sign, "First Chance"—"Last Chance", had already disappeared; at least the sign had. But this was before the clearing and landscaping that opened the vista from the station to the Capitol. There were a few rows of houses partly depressed below street level. The one I am recalling was particularly narrow and especially shabby. Stringy Nottingham curtains hung in the windows; the sole furnishing seemed to be a blue vase on a rickety oak table in the bay window. But across the front of the building there was a sign in gold on black: *Starkweather Biogenetic Foundation*. Under that, as if it was not enough, were the words: *World Embracing, Era Making, Race Regenerating*. And under these words, as if they were not enough, was the following phrase in even larger letters and in quotation marks: "Man's Infinite Potentialities." In those days on the rare occasion when I went to Washington to speak on a subject too big for me—I mean on the rare occasions when I was asked to talk at all and always on subjects too big for me—I used to look with a shudder at the contrast between the little building, furnished with one blue vase, and the promise of that sign. Well, my present subject is not as wide as "Man's Infinite Potentialities"

* Eaton Professor of Government, Columbia University.

but it is "plenty big" and in tackling it I admit that I am "plenty scared."

We are asked to consider "specialization and the public interest." Our first question must be: what is specialization? Its forms can then be viewed in relation to a concept of the public interest. Our inquiry must draw what light it can from the theme of the symposium: "Democracy in Federal Administration." Still more, I think, it must be guided by the larger theme that is taken for granted: "Public Administration in a Democracy."

I

Specialization may be of two kinds. First, there is the specialization of individuals in training, skills, and assignments—as stenographers, as chemists, as lawyers, as veterinary surgeons, as economic entomologists, or as foresters. Second, there is the specialization of administrative units, blending many individual skills in a common but limited and therefore special purpose. Even the mighty departments are relatively specialized in this sense.

This institutional specialization appears dynamically in carrying out or in proposing laws. Here arise the acute problems of relationship to the public interest. For each law—or, oftener, a cluster that is the basis of the program—has a more or less pointed objective. This objective imposes an obligation upon everyone involved in carrying out the law or laws, and these persons may number many thousands. Whatever their individual specialization or lack of it, they are all institutionally specialized under a specialized public program. Our main problem lies where the law imposes a special purpose while it leaves some leeway for judgment. What is the bearing of the public interest in such a situation?

II

The nature of the public interest is crucial in our inquiry. Unfortunately we shall not find it easy to isolate nor simple to define. Rather we must liken it to the point of perspective for a picture. This point is never in the picture itself though essential to it, for the point of perspective organizes the picture, guides its lines, and disciplines its proportions. Such a relationship is indirect, subtle, and infinitely varied as it enters into each operation and indeed each separate act of government.

In conceiving public interest as the point of perspective, I am

seeking to go a step beyond Pendleton Herring, who wrote many years ago in his pioneer book on *Public Administration and the Public Interest*, "The public interest is the standard that guides the administrator in executing the law."¹ Herring was thinking especially of regulatory statutes that use phrases like "public interest, convenience and necessity," as in radio licensing. In this context Herring went on to say, "The concept is to the bureaucracy what the 'due process' clause is to the judiciary. Its abstract meaning is vague but its application has far-reaching effects."

One way of finding the public interest is to project the analysis John Dewey suggested in his work on *The Public and Its Problems*. This approach yields not one public but a multitude of publics. The public, in any situation, are those who are affected indirectly, but substantially by the action, proposed action, or failure to act. This is a fruitful concept. When we use it, however, we must ask whether, amid the many publics, the public interest does not also involve something wider in scope and deeper in time, standing at the point where many interdependent factors ultimately interact.

III

First, turning back to specialization, let us look at the specialization of individuals. Here the direct problem is the problem of organization, not the ultimate problem of the public interest. The organizational problem is intermediate. It is the problem of how to subdivide labor and yet to combine it so that many people with many skills can blend their necessarily special contributions in a common effort. The relationship of the individual to the public interest, whether the relationship be good or bad, takes place primarily through organized units. To say this, of course, does not mean that the qualities and attitudes of individuals which are favorable to effective organization are not also favorable to agency action in the public interest.

If subdivision of labor implies the synthesis without which subdivision leads nowhere, so does synthesis enrich itself by prior subdivision. Administration deliberately practices subdivision. Thus in building a structure it identifies and provides channels for the streams of advice that should enter into a decision; it provides, with due weighting and proper priorities,

¹ *Public Administration and the Public Interest*. New York: McGraw-Hill, 1936, p. 23.

for the gathering and presentation of the bodies of relevant facts. The essence of a rational structure for any purpose frequently lies in recognizing how far administration is an argumentative as well as deliberative process that goes on within the frame of legislation. The particular purpose sets the problem of relevance—that is, the problem of identifying the relevant factors. The perspective of public interest guides in the solution of this problem.

In the natural course of administration, skills are combined. As Michael DiSalle explained when he was Economic Stabilization Administrator in 1951: "We have the business analyst, the lawyer, and the economist working together as a team on these regulations, and we feel that we can acquire sufficient balance to insure the regulations being fair."² John Gaus notes in the opening chapter of this symposium: "It is a corporate thing, this docket and decision."

In certain regulatory work a distinctive form of internal specialization has been carried far under the Administrative Procedure Act. But Lloyd D. Musolf, in his perceptive monograph on *Federal Examiners and the Conflict of Law and Administration*, points out the risks of isolation and the need for the full use of institutional resources. After speaking of the responsibility of the examiner, who bears some of the individualized responsibility of a trial judge, Dr. Musolf remarks:

In order to know what he is doing, however, he must have a thorough working knowledge of agency subject matter, policy, and precedent. This can only be accomplished by knowledgeable use of facilities for consultation and research within the agency. By so equipping himself he contributes to the specialized competence demanded of regulatory agencies. This competence is all of a piece. It consists of the acumen of an experienced field investigator, the patient questioning of uncooperative or unschooled witnesses by a trial attorney, the calm demeanor and methodical reporting of a trial examiner, the skilled advising of technical consultants, the wise counseling of a chief examiner, and the shrewd summarizing of advisers to the agency heads.³

The solution of the problem of individual specialization through organization doubtless rests at bottom upon aspects

² Hearings before the subcommittee on study of monopoly power of the Committee on the Judiciary, House of Representatives, 82nd Congress, first session, May-July 1951, serial no. 1, pt. 4 on "the mobilization program," p. 813.

³ *Federal Examiners and the Conflict of Law and Administration*. Baltimore: The Johns Hopkins Press, 1953, p. 180.

of personnel that belong in the final topic of this symposium. For the essence of effective organization lies in having the kind of people who, while they play their special roles, have an ingrained awareness of how all the parts fit together. They must have pride of craft without brittleness, self-reliance in playing their roles without aggression or withdrawal. These, fortunately, are commonplaces of the ideal cultivated in the Federal career service, not least in the tradition of the Department of Agriculture and of the Graduate School under whose auspices I am pleased to join in celebrating the memory of an outward-reaching agency employee, Thomas McKillop.

We must assume, I think, that most recruiting will be of specialists. From the standpoint of pre-entry preparation, therefore, the point of greatest need and opportunity for some training in administration will probably be in the professional schools. One ventures to believe that attention to the matter there is growing. Meanwhile the development of education in the United States is tending to make college education well nigh universal. With all of its faults of superficiality and diffuseness, this trend is fundamentally democratic. It helps to equalize opportunity, giving at least the right to get started in the upward movement to high managerial posts, private and public. It also promises to provide nearly every young person with a background of varied information and invitation to think. This wide and essentially non-vocational exposure for so large a proportion of the population on the threshold of adult life is a nearly unique feature of American education. It is a valuable leaven in our technological age.

In private business, where the presidents and board chairmen of the great corporations are increasingly men who started as salaried employees and have always been employees, not owners, there is irony but a double lesson in the following facts. The men who now hold these positions often testify that what is needed, and should be the basis of initial recruitment, is breadth, not vocational specialization.⁴ Yet Professor Newcomer, who makes this finding in her comparative study of the sources of business leadership in 1900, 1925, and today, shows that the proportion of presidents and board chairmen who began as professionally trained engineers and the like has increased, although this condition is less marked in rapidly growing than in slowly growing

⁴ Mabel Newcomer, *The Big Business Executive*. New York: Columbia University Press, 1955, pp. 82, 147.

corporations. She observes that although education beyond high school is an increasingly evident prerequisite in getting started, at the point of initial recruitment "what the companies are looking for is promising scientists, engineers, lawyers, and accountants. They are not looking for future presidents or board chairmen."⁵ The irony is obvious. The lesson is a double one. It points on the one hand to the need for the enrichment of professional training. On the other hand it points to the need within all organizations for means not only to identify potential breadth but also constantly to cultivate it.

More is at stake than the efficiency of individual enterprises; in the face of the intricate interdependence of modern industrial economies and the tenuous if hopeful peace among classes, the very survival as well as progress of free societies is involved. "Administration," Brooks Adams reminds us in one of the most quoted of passages, "is the capacity of co-ordinating many, and often conflicting, energies in a single organism, so adroitly that they shall operate as a unity."⁶ He went on to say, "This presupposes a power of recognizing a series of relations between numerous special social interests, with all of which no man can be intimately acquainted." Adams was thinking in broad terms about social stability when he added, "Probably no very specialized class can be strong in this intellectual quality because of the intellectual isolation incident to specialization."

Certainly in the public service it is desirable to increase the initial infusion of those who are generalists in the sense that they are not trained in the physical sciences or the traditional professions. It would be a miscarriage, however, if this tendency was diverted in the name of "management" into a new specialty centering exclusively in auxiliary staff work on personnel, finance, and problems of organization and methods. Whether this happens will be the test, I think, of the ultimate significance of the efforts under way since the thirties to recruit college-trained persons whose interests and whose course of study have not been technical in nature. The test of success will be the extent to which they are used widely in the substantive work of the departments.

Nevertheless, I hasten to qualify what I have said about the managerial staff services. The qualification shows how the technique of organization bears upon the public interest. This rela-

⁵ *Ibid.*, p. 132.

⁶ *The Theory of Social Revolutions*. New York: Macmillan, 1914, p. 207.

tionship is appropriately signalized by recalling the role played by William A. Jump. For he showed the way the broad-gauged expert in over-all management—self-subordinating, durable, a horizontal technician—can assist in binding the vertical specialties of men, divisions, and bureaus in a larger and more balanced synthesis of public purposes. As Paul H. Appleby put it in his book on *Morality and Administration*, "In the Department of Agriculture, for many years the Office of Budget and Finance under William A. Jump was of crucial importance to the function of review in public-interest terms."⁷ What did Jump help to bring to bear? A broad responsibility, lifted by a comparative view of many different parts in their relationship to each other, sobered by the constant challenge of explaining many very special activities to relatively unversed committee members who were seldom involved emotionally in any of the programs.

IV

We pass to the second type of specialization—institutional specialization.

Speaking under the auspices of the Department of Agriculture, I need not stress how a great agency can be aligned to a major function of the economy and to the complex of productive and distributive processes and of social relationships that the function involves. In this sense the Department is specialized by the deliberate will of the American people through successive acts of Congress over many decades. Within itself, to be sure, it gathers many strands of interest. John M. Gaus, in his notable book in 1940 on *Public Administration and the United States Department of Agriculture*, pointed to the Department's double role, as the governmental counterpart of a major function and as the synthesizer of its many aspects. "It is in the Department," he wrote, "that function as a profession or vocation meets function as an action or office of the national administration. An essential part, therefore, of the Department's task will be the translation—perhaps one should say the transmutation—of the viewpoints of the many contending interests in the field of agriculture into their legitimate balanced place in policy designed to improve the national political economy as a whole."⁸

The last sentence, with its reference to the improvement of

⁷ Baton Rouge: University of Louisiana Press, 1952, p. 170.

⁸ Chicago: Public Administration Service, 1940, p. 282. (in collaboration with Leon O. Wolcott).

"the national political economy as a whole," carries us further toward the public interest. The Department, which internally balances so many parts, remains special in its total assignment. Nevertheless, this assignment itself reflects an effort at balance in a plural society. Here I think it is in point to quote a trenchant remark by A. Whitney Griswold, now president of Yale University. In his 1948 book on *Farming and Democracy*, Dr. Griswold concluded that family farming is essential to democracy. But he added, "The lesson is plain in History. Family farming cannot save democracy . . . only democracy can save the family farm."⁹

I wish to pursue the argument by a very different illustration that runs the risk of getting my examples grotesquely out of scale. For I am turning from governmental organization that reflects a major social function to governmental organization in behalf of a diffused interest which is viewed as socially desirable but disadvantaged.

The repeated attempts in recent years to create special governmental units for small business have offered extreme but revealing examples of the way in which the country's political process uses administration in seeking balance amid what William James called "the booming, buzzing confusion of the real world." Undoubtedly, so far as the well-being of small business can be promoted by government in a free enterprise system, most of the protection will be secured through numerous overall public policies on such matters as taxation, antitrust, and many others. Nevertheless, since 1942 Congress has insisted upon the establishment of special units that would have as their peculiar purpose giving attention to small business as a segment of the economy. This movement was stimulated by the scale of governmental purchasing under conditions of defense and war and renewed in the cold war. The impact and incidence of such massive and long-continued purchasing might well affect the pattern of business permanently.¹⁰ At the same time the government's buying policies are within its own control.

Some of the steps in the story may be briefly retraced. In

⁹ New York: Harcourt Brace, 1948, p. 204.

¹⁰ The Second Report of the Attorney General under the Defense Production Act of 1950, April 30, 1951, remarked: "We have reached the period in our defense mobilization in which government procurement will have a profound effect upon our economy." He also said: ". . . in the light of these circumstances, it is the smaller enterprises whose productive capacity should be as fully utilized as is possible in the build-up in which we are now engaged."

1940 the National Defense Advisory Commission created a director of small business activities. This unit was carried into the Office of Production Management in 1941. There it was merged in the Division of Defense Contract Service, but was soon reestablished separately as the Division of Contract Distribution, with the duty, among others, to "formulate and promote specific programs for the purchase of supplies for the Army and Navy in smaller units but among a greater number of firms and in as many different localities as possible." The partial failure of this organization was attributed to mixed objectives and to undue subordination. Congress in 1942 gave it a semi-autonomous position and some financial resources under the name Small War Plants Corporation. By Executive Order in 1945 its work was shared between the Reconstruction Finance Corporation and the Department of Commerce. The President's accompanying statement said, "The Federal Government must have a permanent program to assist small business to grow and prosper, and the action taken today is an important step in that direction." In 1947 Congress by concurrent resolution (S. Con. Res. 14, 80th Congress, 1st session) declared that "the Congress recognizes the valid claim of the small businessmen of America to equal representation as an entity with labor, agriculture, and other groups, on those Government commissions, boards, committees, and other agencies in which the interests of the American economy may be affected; and that the President of the United States, the members of the Cabinet, and other officers of the Government . . . are respectfully urged to accord the small businessmen of America representation on such Government agencies including particularly policy-making bodies created by Executive appointment." The President in a memorandum on December 12, 1947 to all departmental and agency heads gave some advice on a working definition of small business.

The impulse can be traced in the language of many subsequent acts, as on European economic cooperation, selective service, armed services procurement, Federal property and administrative services, and others. It can be traced in the establishment of various small-business units. One such was the Office of Small Business in the National Production Agency under the Defense Mobilization Act of 1950. The 1951 amendments to this Act reflected the Congressional demand for a more independent status. The Small Defense Plant Administration was created. Finally the Small Business Act of 1953 (passed as a phase of

the legislation that ended the Reconstruction Finance Corporation) created the Small Business Administration. The act said that "it is the declared policy of the Congress that the Government should aid, counsel, assist, and protect in so far as it is possible the interests of small-business concerns in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts for supplies and services for the Government be placed with small-business enterprises, and to maintain and strengthen the overall economy of the nation." The act specified that the Administration was to be "under the general direction and supervision of the President" and "shall not be affiliated with or be within any other agency or department of the Federal Government." It also stated that the Administrator, to be appointed by the President with Senate confirmation, "shall be a person of outstanding qualifications known to be familiar and sympathetic with small-business needs and problems." The President's message in January 1955 recommended the extension of the life of this agency.

V

I have discussed small business at some length because, although an extreme and marginal example, it illustrates the motivation that underlies much of our law-making and is projected into administration. American society constantly strives for equilibrium among its parts. Often, as in the movement I have cited, it seeks to heighten attention to some part or another by creating a very specialized administrative body.

The examples I have given could be multiplied, though in less marked and autonomous form, without going outside strictly official units into such surrounding apparatus as industry advisory committees. In war administration, for instance, we could trace in the Office of Civilian Requirements in the War Production Board, and after 1950 in an analogous unit in the National Production Authority, how deliberate administrative provision was made for a counterplay of claimants and of the analysis and arguments to support them in order to keep the whole country in gear in the face of the properly dominant demands of the armed forces.

Back of this sort of thing is a principle that may be called the limited span of attention. Possibly it belongs in our generalizations about administrative behavior even if we distrust dogmas like span of control. The need to make provision against the

limits on the span of attention was illustrated by a feature of the early methods of anti-aircraft gunnery practice at sea. An officer was attached to the gun-crew with the specific duty of pressing a button to prevent the gun from firing if he thought the aim endangered the plane that was towing the sleeve-like target. No one wanted to hit the plane, of course, but the mental set of the gun-crew was to fire fast and make a hit.

Wherever we turn we see much that dispels any notion about administration as all of one piece, geared to the undifferentiated interest of an amorphous general public. Indeed we may say of legislation generally that the pressures in a pragmatic democracy, sanctioned by majorities and guided by an instinct for equilibrium, are constantly writing a kind of balancing bias into one law or another. I use the term "balancing bias" for want of a better descriptive phrase. The paradox it contains is part of its meaning. Administrators must carry out this legislation. Some of the chief problems of public interest inhere in this kind of statutory specialization.

The balancing bias of particular measures is not inconsistent with the overall role of government as the "impartial instrument of a symmetrical national development" referred to by Woodrow Wilson in 1908 when he said that one of the ultimate and essential objects of constitutional government is "to bring the active and planning will of each part of the government into accord with the prevailing popular thought and need, in order that the government may be the impartial instrument of a symmetrical national development."¹¹ For the unrelenting effort to maintain a "symmetrical national development" must reckon with the truth of what Mary Parker Follett wrote in 1918: "The essence of society is difference, related difference. 'Give me your difference,' is the cry of society today to every man."¹²

How, then, shall we apply the perspective of the public interest? The law frequently pursues it partially by what I have called the method of balancing bias. What is the administrator's duty in the light of public interest when, in one way or another, the agency in which he serves is specialized?

In approaching an answer, or, more honestly, a comment that will remain a question, it will be useful to distinguish, on the one hand, the administrator's discretion in what he does and,

¹¹ *Constitutional Government in the United States*. New York: Columbia University Press, 1908, 1921, p. 21.

¹² *The New State*. New York and London: Longmans Green, 1918. Third Impression, 1920, p. 33.

on the other hand, his discretion in reporting on what he has done and in recommending things that he thinks ought to be done. His opportunity and duty to consider the public interest are somewhat different in these two main types of responsibility.

In administering a law, the public servant's primary duty is to give effect to its intent, which we have described as being normally a specialized intent. In these terms it is his duty to carry out the law with honesty and energy. Within the leeway of the discretion that the law leaves he should be guided by what we have called the perspective point of public interest. Such guidance asks him to take the broadest possible view that is consistent with the intent of the law. Needless to say, public interest requires him to be impartial among the individuals to whom the law applies.¹³ Moreover, he must constantly impose the test of impartiality upon any proposed action by asking himself whether it could be applied to everyone else in similar situation. Constructive partiality may be as unfair and as false to the perspective of public interest as favoritism between two parties immediately at hand. Nevertheless, impartiality among individuals is not the prime criterion. The important thing is the refinement of the law's intent by the broadest possible view of its incidence and effect. James M. Landis made a telling comment on this matter that is hardly less significant because he was writing about administration under the independent regulatory commissions. In his 1938 book on *The Administrative Process* Landis declared that the ultimate test of the administrative process "is the policy that it formulates; not the fairness as between the parties of the disposition of a controversy on a record of their own making."¹⁴

In seeking the broadest possible view in projecting a policy consistent with the law's intent, the administrator recognizes that his distinctive general public are those who are affected indirectly but substantially by what is done or not done under that particular law. Beyond the effect upon them, so far as

¹³ Such, indeed, is the normal instinct of bureaucracy and a source of what, on the other side, may become the defects of the virtue of caution. As Max Weber put it: "The dominant norms are concepts of straightforward duty without regard to personal considerations. Everyone is subject to formal equality of treatment; that is, everyone in the same empirical situation. This is the spirit in which the ideal official conducts his office." *Reader in Bureaucracy*. Edited by Robert K. Merton and others. Glencoe: The Free Press, 1952, p. 27. Reprinted from "The Theory of Social and Economic Organization," translated by A. M. Henderson and Talcott Parsons, Oxford University Press, 1947.

¹⁴ New Haven: Yale University Press, 1938, p. 39.

he can trace it, he must take account of the effect of what is done or not done as this interacts with other public purposes. One added thing makes this point of interacting effects the master focus for the perspective of public interest. The additional element is time, the sense of the future, the recognition of "longrun" as well as combined effects.

You will note that I have pictured this recognition of longrun interacting effects as a residual duty on the part of the operating administrator. His prime duty in carrying out the law is charted in the law's intent, declared or clearly implicit. In addition, still pursuant to the law but beyond its unmistakable guidance, the operating administrator must make innumerable judgments. Here enters his residual duty to take the broadest possible view of the consequences of any action. No one, of course, least of all administrators who must act quickly, can trace more than a few of the threads in society's seamless web, ever advancing from the loom of time. But the essence of public interest is awareness of that web and the constant impulse to trace things as far as possible before acting and as a guide to action where choices otherwise unguided must be made. It is not fantastic to state this as an ideal, for it is the inclination of alert and conscientious public servants.

We turn to the other side of the administrator's responsibility. We have remarked that in executing laws, the administrator's discretion in following the guiding lines of the grand perspective of public interest is limited by the law's intent. His opportunity and obligation to follow its guidance is wider when he is reporting on what he has done and, even more, when he is making policy recommendations in his legislative contacts and in his public relations through publicity and otherwise. The two processes—reporting and recommending—are logically distinguishable but hardly separable in practice. Both involve wide leeway.

Here arise some of the most difficult problems in the ethics of public service, both for administrators individually and for administration generally as a creative force in democracy. Apart from the administrator's natural motives for survival, he is justified in assuming that a duty to give an accounting and to make suggestions inheres in any program. The duty is there regardless of statutory requirements for reports or legislative requests for advice on pending bills. The mere fact that a public agency has been set up in any field is a signal of society's decision that the field in question presents problems for govern-

mental attention. This fact implies a duty, along with such limited action as the law and appropriations authorize from time to time, to report on the extent of the problem as well as the steps that have been taken. Inevitably this implies comment on the possibility of additional governmental action. All of this is a proper but dangerous responsibility. What are the safeguards?

Some of the safeguards lie in devices like central legislative clearance under the chief executive as an important phase of his synthesizing role. In a recent article based upon an exhaustive study, Richard E. Neustadt describes the existing system of "coordination and review of stands taken by the various Federal agencies at three successive stages of the legislative process."¹⁵ He notes that in 1953, despite the change of administrations, the Budget Bureau's Office of Legislative Reference handled for the President 380 agency drafts of bills, 3,571 agency reports on pending bills, and 525 measures submitted to the President for signature—the last normally involving a canvass of the views of all interested parts of the government. The story, Professor Neustadt shows, is "a record of great growth, successful adaptation—this under six successive Presidents, through every variation in national and governmental circumstances since Harding's term of office." The obligation of agencies at least to submit their proposals for legislation and their comments on pending bills, while it does not cut off direct contacts with the legislative body, has some harmonizing effect upon administrative particularism and the pressures that support it. But such systematic clearance is confined to legislative relations; it hardly touches agency publicity, nor is any analogous central control likely there except, perhaps, in fields closely linked to national security.

More fundamentally, therefore, the safeguards in resolving the dilemma must lie in attitudes that should be diffused throughout administration. The perspective of public interest must discipline the enthusiasms of the various specialities without paralyzing them. Both in reporting and also in the defense of old and the advocacy of new measures, the public interest requires honesty in two senses: first, in the sense of accuracy; second, in the sense of balance. Honesty in the sense of accuracy of the stated facts that the administrator presents in his legislative and public relations is an elementary need in reporting on and in

¹⁵ "Presidency and Legislation: The Growth of Central Clearance," *American Political Science Review*, September, 1954, vol. XLVIII, No. 3, pp. 641-71.

recommending action. Shrewd administrators see that it pays in the longrun to observe this canon even apart from the more fundamental reasons for respecting it. Honesty as mere accuracy in what is said is not enough, however; it is not all that the public interest demands. The further need is honesty in not leaving things unsaid. It means that the statements must cover all relevant facts and arguments and, in taking sides, frankly indicate the opposing considerations. Such candid and balanced presentation does not preclude spirited defense or vigorous advocacy. Administration in a democracy will preserve rather than weaken its creative role by the self-discipline of such standards.

In asking that the administrator, within such purposes as the law imposes, shall be guided in his margins of discretion by the perspective of public interest, I am aware of the pressures to which he is subject. Specialist though the administrator may be, he is likely to be dealing with those who come from a thousand fields of private action and who claim that they are the specialists who alone know the facts. The people of the United States have so far lost whatever pioneering distrust of experts they may have had that these claims of expertness have a singularly strong appeal.

Apparently one can be a specialist in the economy without being an economist; in certain situations, indeed, he may be regarded as an expert precisely because he is not an economist. May I illustrate without seeming to trifle? In 1950 a Congressional committee was reviewing the wisdom of a regulation on consumer credit. A Senator asked the witness whether he was aware of the extent of the mortgage credit outstanding. "Senator," the witness replied, "we automobile dealers are not economists." The colloquy continued: "No; but you have got to face economic problems." Witness: "We have our own problems in facing the conditions that exist in the automobile business." He was asked whether he was aware of the figures on outstanding bank credits. He answered: "No, sir, I am here to talk automobiles, sir."¹⁶

¹⁶ Hearings before the Joint Committee on Defense Production, 81st Congress, 2nd Session, December 1950, on the charge that the Federal Reserve Board had not consulted with retail groups in issuing Regulation W on consumer credit, p. 13. See Senate Report 470, 82nd Congress, 1st Session: "Your committee is convinced that the representation made as to conditions prevailing in the field of installment purchases of automobiles are sufficient to justify enactment of a statutory requirement that no more than one-third down payment and not less than 18 months for completion of deferred payments shall be prescribed by the Board of Governors of the Federal Reserve Board by the Defense Production Act of 1950, as amended." p. 20.

It is idle to cavil at such specialization of interest although we must equip administration to deal with it courageously as well as considerately. We are aware of the truth in the double caution voiced by Charles M. Hardin: "The interest-bound bias prevents (for most men, at least) an acquisition of the total view; prevents their seeing things as wholes. Contrarily, the pricks of interest often afford men insights the like of which are denied their less-stimulated neighbors."¹⁷ And one recalls that the sage but salty Reinhold Niebuhr once said: "... all political justice and order is achieved by men and nations who have a margin of goodness and virtue beyond their self-interest. But they must not deny the interested motives which partly brought their action. Otherwise their marginal virtue will turn to vice."¹⁸

The law sometimes cuts sharply across endless specialities; it dictates an unpleasant public purpose made necessary by a network of interdependent factors as seen in full perspective by the administrator in the light of the law's intent. Such was the unpleasant duty that in March 1951 brought the Economic Stabilization Administrator before a challenging committee to justify his action on cotton. In the course of the hearing, he fought back by saying: "There has been a lot said about the fact that the manufacturer, the grower, the exchange people, the Department of Agriculture, all recommended against the action that was taken. But, after all, none of these individuals has the responsibility for stabilizing prices. I have that responsibility, and that is the responsibility with which I have to live."¹⁹

The solution is not easy. To speak of intestinal fortitude is an answer to so many things that it is no answer at all. Partly the answer lies in enough specialization within the government to enable it to remain loyal to the law's intent, guided by the perspective of public interest, without being unduly intimidated by the formidable moral challenge of facts, or alleged facts, which it is claimed are known only to the insiders, the men of affairs in countless private worlds of action.

Along this line it is worth quoting an Englishman's comment in 1951 on the future of the higher civil service. In an article on "The British Civil Servant of Tomorrow" in the *Public Ad-*

¹⁷ "Political Influence and Agricultural Research," *American Political Science Review*, August, 1947, vol. 41, p. 668.

¹⁸ *Virginia Quarterly Review*, Spring, 1945, vol. 25, p. 204.

¹⁹ 82nd Congress, 1st Session, Hearing before the Joint Committee on Defense Production, Progress Report No. 5, Cotton Controls, March 8, 1951, p. 176.

ministration Review for the summer of 1951, Arthur H. M. Hillis wrote (after commenting on the work of government in the past): "The contemporary official has a much more difficult course to steer, between the scylla of an ineffectual amateurism and the Charybdis of a narrow specialization; more than ever he urgently needs to cultivate the broad outlook, but more and more he finds it necessary, if not to be a technical expert, at any rate to be able to talk to experts in their own language and to reach an informed and intelligent decision involving a wide range of technical points."²⁰

Here I begin to trench too far upon the final topic of this symposium. In conclusion I content myself by remarking that the deep-lying protection needed for the two-way safeguarding of the role of democratic administration in a democracy is the ultimate self-identification of administrators with the public interest to which slope all the lines of the picture of their detailed duties. This sustaining common mood, fortunately, may draw support from the specialities that must comprise so large a part of any governmental service. The overall responsibility is steadied by many mutually reinforcing codes. Walter Lippmann in his recent book on *The Public Philosophy* refers eloquently to the role of these codes and standards when he says that public officials "owe their primary allegiance not to the opinion of the voters but to the law, to the criteria of their professions, to the integrity of the arts and sciences in which they work, to their own conscientious and responsible convictions of their duty, within the rules and the frame of reference they have sworn to respect."²¹ One can concede the depth of truth here without going the lengths of Mr. Lippmann's conservation. His mention of a primary allegiance to the law helps to square his statement with the ideal of responsive and responsible popular government which, though it rests upon an underlying consen-

²⁰ *Public Administration Review*, Summer 1951, vol. 11, no. 3, pp. 173-179, 179. Mr. Hillis continued: "To put the point less abstractly, if government is to do certain things (whether it is a question of bulk buying of commodities, running public utilities, or determining the location of new factories) instead of merely acting as an arbitrator and a regulator of private interests in these fields, the administrator must to a large extent come down into the marketplace and assume a positive, energetic, and creative role."

²¹ *The Public Philosophy*. Boston: Little, Brown-Atlantic, 1955, p. 51. A few pages before, Mr. Lippmann illustrates his almost too vicarious concept of public policy-making, à la Burke, by saying, "The public interest may be presumed to be what men would choose if they saw clearly, thought rationally, acted disinterestedly and benevolently." p. 42.

sus, must reckon with conflict and ever build further consensus through majority decisions on policy questions. The administrator's constant awareness of the grand perspective point of the public interest is a prime factor in this process, whether in carrying out declared policies or in suggesting new ones.

GOVERNMENT COMMUNICATIONS WITH THE PUBLIC

by

JAMES R. WIGGINS*

OUR SUBJECT, "The Communications Problems of Government," is really a subject that bears upon the problems of Government itself, certainly of democratic governments. Lord Macaulay put this very well when he said, "Nothing could be more irrational than to give to the people power and to withhold from them the knowledge without which there is danger that power may be abused."

An this is really our problem in a democratic society. What it amounts to is making effective the right of people to know about their own government, to know enough about it so that they have a logical foundation for their opinions. This problem gets greater as the size of government increases, and as its responsibilities change and its undertakings increase. It is a problem of enormous difficulty in our day because of the many changes that have taken place both in the structure and the function of government. The rights involved are by no means a single right or responsibility but consist of a great many rights on the part of the public in terms of government, any one of which if dispensed with may jeopardize the citizen's right to know about the government under which he lives.

To enumerate them briefly, I would separate them into five rights: the right to get information; the right to print it without prior restraint (which is the right Blackstone construed as comprising the whole freedom of the press); the right to print without the risk of punishment outside of due process for publication alleged to be wrong; the right of access to printed materials and facilities; and the right to distribute.

All these rights have to reside in the people of any society if that society is really to enjoy the fullest access to information about its government and the life about it.

* Vice-President and Managing Editor, The Washington Post.

The first of these, as I have named them, perhaps the first in importance is the right to get information about government. This is a right for which people in democratic countries have struggled from the beginning. For eighty years after the introduction of printing into England the governments of that country struggled to erect around the people's right to know a great barrier. This barrier was so complete at its peak, eighty years after printing was introduced, that it took two hundred years to tear it down, and from that time until the beginning of the Twentieth Century, I think it fair to say and correct to say, that probably the public's right steadily expanded and that each generation had more complete access to the information about government.

As to our own time I am not so sure. I think we sometimes labor under increasing difficulties and disabilities. I would like for a moment to examine this access to government in terms of the different branches in government, although we are here today primarily concerned with executive departments and the relation between those departments and the people. I think the problem could be studied completely in isolation.

It was this right of access to the government itself which was essential to the operation of public opinion in the English Government. It has always fascinated me to observe how long it took them to get it. Although licensing was abandoned in 1642 it wasn't until 1770 that the English people had the right to attend and report the proceedings of the House. Up to that time printers who dared to report anything that transpired in the House, even the votes in the House, were punished. From 1642 on, one legislative action after another ended with the words, "and the parliamentary printer to have the right to print any of these proceedings." Until the house was opened public opinion was not effective on the government of England. Licensing had long since been abolished and many of the other restraints, but it took this access to the proceedings in the House before the common citizen could venture his views on the public officers.

We had the same struggle, of course, on our own Continent, and the people in one colony after another had to make a tough fight to gain access to legislative proceedings. In Virginia, William Nuthead attempted to print the proceedings of the council and he had run off about two days' proceedings when he was asked to stop by His Majesty's Government. Lord How-

ard of Effinghann advised him there was to be no printing whatsoever in the Colony of Virginia.

And in one government after another such decrees were laid against the people. Finally, in Massachusetts, at the time of the debates on the Stamp Act, in 1766, the people gained access to the House for the first time, on motion of James Otis.

In New York, by 1747, the government had adopted the view that it was the right of the people to know about the proceedings of their own legislature.

In Pennsylvania the Bradfords were repeatedly in trouble with the authorities for printing information about the government.

By the time the Constitution was adopted the theory that the people had a right to know about legislative proceedings was well established. The secrecy of the Constitutional Convention was a shock to many citizens. Jefferson heard of it and in a letter to James Madison said that he was "sorry they began their deliberations by so abominable a precedent as that of tying up the tongues of their members." He said: "Nothing can justify this example but the innocence of their intentions and ignorance of the value of public discussion."

The struggle over the adoption of the Constitution, resulting from public ignorance of the debates, vindicated his views. It took the Federalist papers and a great many other publications to win the states to support it. When our own Congress convened, the Senate met in executive session at first, but the House admitted reporters to the floor, although they debated about it from time to time.

It was not until the first year of Jefferson's administration that the Congress settled finally the right of the people to have access to legislative establishments. The States one by one within their Constitutions, or by statute, or custom or precedent, admitted the public to legislative chambers. One would have thought by this means a precedent had been firmly established, but here is where changes in the structure of government and the character of government and the number of its responsibilities completely reversed the fundamental privilege provided in fundamental law itself.

What has happened in our Congress and in our State legislatures has been an emigration of legislative power from the floor of the House and Senate back into the committees. It is here, both in Congress and the State legislatures, that the effective

work of legislation is done. In most of these States provisions for open conduct of many of these committee meetings are adequate, but in Congress approximately 40 percent of committee sessions are held in secret. Woodrow Wilson was among the first of the students of American government to feel this was extremely dangerous. He pointed out that when legislation is referred to a committee something happens to it, in any case it does not emerge. He said no one knew what had happened and when they asked they were told it was none of the people's business. And he pointed out it was the people's business.

The citizens of a democracy do not relinquish legislative power when they elect law-makers; they only delegate that power under certain conditions for fixed periods of time. This delegation of power cannot be made with wisdom or logic or sense unless the citizens are put into possession of the proceedings in which the work of the legislators is carried forward.

There are other and more practical reasons why law-making bodies ought to meet in the open. If a legislative body, committee or council or board meets in secret, and an individual member presents a false premise, the committee may then proceed to pass legislation on that premise. It may build upon the false premise a compound of errors of logic and judgment. If the legislators meet in public, errors of premise and logic are made known as the discussion proceeds and citizens better informed than the law-makers come forward to correct the errors day by day. The finished measures perfected in public will be the product not of just 15 or 20 men but the product of the intelligence of the whole people. The intellectual resources of the whole community will have been drawn upon. Moreover, apart from the merits of measures, the public debate prepares the citizens for governmental steps. It lays before them the alternative courses and may reconcile them to difficult courses of action.

There is hardly an argument that can be made for secrecy in a deliberative body under a democratic system, apart from those that concern military security.

It no longer is possible for citizens to have a thorough familiarity with the course of legislation by watching the House and the Senate. The sheer volume of business, in Washington and in state capitols, has driven the real business of legislating back into the committees where the people can not see or hear. Until

they can see and hear legislative transactions again we do not have the democratically conducted government we ought to have.

We have had the same struggle for access to the courts. It has been an even longer struggle. In 1238 the Barons of Runnymede wrung from a reluctant King John the assurance that the king's courts no longer would follow his person and would be open to all citizens. As late as 1639, John Lilliburne, on trial for treason, had to appeal to the court to open the doors by declaring it to be the law of England that the courts must be open for all sorts of people to see, to hear and to behold.

If there was any right firmly established when our own government was set up it was this right. And yet, in our own time, not because we esteem these rights less but because we value others more, we have closed many of our courts. Walter Lister, Editor of the Philadelphia Bulletin, found that 40 percent of all court proceedings in Philadelphia are closed. Sometimes court proceedings are closed because of the nature of the court, as in juvenile courts and domestic relations courts. Sometimes they are closed because the judges think the testimony unsuited to the tender ears of the public, as in the Jelke case. Some of the reasons for closed proceedings may be persuasive, but we ought to bear in mind, whenever we permit closed courts, that each example chips away at the fundamental rights of a free people. Some lawyers argue that it is the accused only in whose behalf we require open courts. This is not so. The open court does protect the accused against undue severity or injustice; but it also protects society against undue leniency. It also improves the general quality of judicial administration. It produces in the witness a disinclination to falsify. It inspires public confidence in the judiciary. It educates citizens in their rights. By example it encourages conformity to the laws of the land.

We ought always to remember that there is no one thing that more notoriously distinguishes arbitrary government than its power of secret arrest, secret trial and secret punishment.

What about our right of access to the executive departments of government? Here we encounter a curious paradox. The right of a citizen to know about his own government is certainly implicit in the democratic system. But equally imbedded in our system is the right of the executive department to withhold that which in its judgment it is not in the public interest to divulge.

The Federal government was not a year old when Senator William Maclay of Pennsylvania asked the Treasury Department

for a receipt given by Baron Von Steuben for funds advanced to him. Secretary Alexander Hamilton declined. Maclay, in his diary, relates that "I told him any member of the Congress had a right to any papers in any office whatever, and as chairman of the committee I promised to procure the papers deemed necessary."

Maclay told Hamilton, "The papers I wanted belonged to the public and to no private gentleman whatever, nor would it do for him to refuse information to a committee of Congress."

Hamilton avoided confronting Maclay with a direct issue. He simply evaded him until the need for the papers had passed. So the issue was not settled. Then, along came the Burr case and the greatest exponent of the public's right to know in the history of our government, Thomas Jefferson, wrote this to Chief Justice John Marshall, with respect to papers the court sought:

"... There is certainly a public and a private side to our offices. To the former belong grants of land, patents for inventions, certain commissions, proclamations, and other papers patent in their nature. To the other belong mere executive proceedings. All nations have found it necessary, that for the advantageous conduct of their affairs, some of these proceedings, at least, should remain known to their executive functionary only. He, of course, from the nature of the case, must be the sole judge of which of them the public interests will permit publication. Hence, under our Constitution, in requests of papers, from the legislative to the executive branch, an exception is carefully expressed, as to those which he may deem the public welfare may require not to be disclosed; as will be seen in the inclosed resolution of the House of Representatives which produced the message of Jan. 22nd, respecting this (the Burr) case."

This position has been restated by one chief executive after another. The courts have supported this proposition generally.

In interpreting this apparent contradiction, however, we need to keep in mind that at the time the Constitution was adopted the early American states had come through a long struggle in which the general idea that the people have a right to know had been vindicated. What Jefferson was stating, therefore, was in the nature of an exception to a general rule, widely acknowledged.

The rule, strangely enough, is nowhere stated in the Constitution. This is rather curious because it is expressly stated in the constitutions of some other states—notably that of Sweden.

It is important to remember that the executives who held out for the right to withhold information asserted at the same time the right of citizens to have it, in other cases. Jefferson said "It is certainly the government's duty to inform the people." George Washington pointed out that "to withhold information is itself a form of misrepresentation."

The need for the people to know about the executive departments meanwhile has multiplied rather than diminished. The executive establishment has changed, not only in its sheer size, but in its functions as well. Many powers regarded as legislative and judicial at the time the Constitution was adopted are now exercised by the executive department. Congress has delegated powers that constitute added reasons why the executive should be conducted more in conformity with the principles of disclosure that prevail, under law, in courts and legislative establishments.

Some of the readily apparent reasons why the executive department needs to be communicative can be easily listed.

(1) The government is forever threatened by the danger that an abyss may appear between the governed and the governors. Policies of great merit will not preserve a government from such a difficulty unless these policies are exposed to the day-to-day discussions and scrutiny of citizens.

(2) The people will help protect a government against malfeasance or misfeasance of its own administrators if they are given access to the transactions of government, sufficient so that they can detect improper conduct. They will constitute the best "inspector general" any central government ever had.

(3) Access of the public to the discussions and deliberations of administrative officers, while a program or a policy is under study, confer upon the executive the same advantages that the public presence at legislative proceedings confers upon Congress. If a proposal is a bad one, its weaknesses and flaws will emerge before it is put into effect. If it is a good one, the people, by their advance knowledge of it will better understand the reasoning behind it, the need for it, the courses alternative to it, and will more cheerfully bear the burden that it imposes.

(4) Officials of the executive departments, like those in the courts, are in the language of Jeremy Bentham, "kept up to the pitch of duty" by having their proceedings and transactions constantly under public scrutiny.

(5) The gulf between intent and performance menaces all

central governments. The lag between the purpose of the government and the fulfillment of that purpose is likely to multiply with the size of the country and the objects of government. The lag is most menacing in a country of continental distances and almost limitless function. If it is not to become so great that faulty performance in the field negates, or even becomes, policy the people must be so adequately informed as to both purposes of government and field performance, that central offices will feel quickly popular reaction to these lags.

(6) "Public ingenuity," as Jefferson describes it, will be enrolled in the solution of problems that face a regime, if the people are given full information. It is important to note that the government's failures, frankly acknowledged, may invite even more helpful "public ingenuity" than reports of success. The suppression of information about these failures may deprive the government of the benefit of suggestions and recommendations that would save a program.

The general advantages of publicity sometimes seem insubstantial beside the particular advantages of secrecy. The consequences of disregarding the advantages of publicity are often deferred and cumulative rather than instant. They are therefore often outweighed in the minds of administrators by the instant pains of embarrassing disclosure. These pains account for most withholding. This is evident in most of the cases that have arisen in recent years.

Many disputes over secrecy have arisen in connection with administrative acts involving the getting and spending of public funds. Control of the purse, the getting and spending of money, has been the most jealously guarded power of popular governments. Citizens must know how money is being raised and how it is being spent. We have made some progress in recent years in regaining access to such operations. Citizens now can find out about important tax compromises and adjustments once concealed from them. They can discover the names of persons who are the recipients of public aids of various kinds, as a result of the Jenner amendment. Until December 3, 1953, regulations of the Production and Marketing Administration of the Department of Agriculture forbade the disclosure of names of those getting drought aid, but these names and figures now are available. In January 1954, amended regulations permitted field release of information on Stabilization and Conservation Service loans.

The Public Housing Administration three years ago declined to release the names of its employees, but this policy now has been reversed.

It would be difficult to write a general statute that would compel the disclosure of all such information to which citizens are entitled without handicapping Federal officials in some cases where discretion may be advisable. In any general statute the exceptions would have to be so numerous as to jeopardize the purpose. The best solution probably is a government that acknowledges the people's right to know.

The presumption in favor of the citizen's right to know ought to be greater today than ever before because the executive department of government is something infinitely more than the mere administrative agent of Congress. Congress is more and more frequently compelled to make sweeping delegations of legislative power. The executive departments and agencies are making rules that have the force and effect of law. And when they exercise such powers their deliberations ought to be as openly conducted as those of Congress.

In recent months, I have been much concerned about the secrecy that surrounds the legislative functions exercised by advisory committees of various kinds. A great many policies of government are being influenced, if not actually formed and framed, by advisory committees of many kinds. These committees generally are meeting behind closed doors. They are formulating policies upon which the fortunes of millions of citizens depend. Often no voice of the public is heard. There is no public examination of witnesses. There is no public debate of alternative courses of action. A secrecy that never would be tolerated in the legislative branch of government enshrouds the entire operation. I wonder if we do not need to reexamine these informal institutions to which we have committed so much power and influence. We need to make certain that all points of view are being heard, all interests considered, all courses weighed. And we need to make sure that we have not substituted relatively anonymous, semi-private, secret rule-making agencies for open legislative methods in the development of national policy.

Now if public access to government was ideal, the task of informing the American people still would be enormous. Few citizens are so situated that they can have personal access to the operations of government. Even the media of public information are not sufficiently staffed to keep the transactions of gov-

ernment under constant scrutiny. The public need to know what government is doing has called forth a staff of specialists and information officers to help inform the public. This is much criticized in some quarters. Perhaps these information agencies would constitute a danger if they became outright propaganda agencies. Yet, in my own view, such agencies are absolutely indispensable to any healthy communication between the executive department and the people.

In the last 20 years another effective means of making the people familiar with government policy has grown up in the press conference. The presidential press conference has become much more than just a means of disseminating information. It has had a long historical development. The American presidents, from the beginning, felt the need of communicating with citizens. Washington, who was suspicious of the press and reticent in his dealings with it, felt keenly the need to keep the public informed and in his farewell address said: "In proportion as the structure of government gives force to public opinion it is essential that public opinion should be enlightened."

James Monroe said: "To the people every department of the government and every individual in each are responsible, and the more full their information the better they can judge of the wisdom of the policy pursued and the conduct of each in regard to it."

Even Grover Cleveland, one of the most withdrawn of the presidents, held periodic press conferences.

William McKinley had his secretary confer with the press each day.

Woodrow Wilson was the first to institute the bi-weekly press conference. He felt it was an indispensable contact between the executive departments and the public.

I feel equally strongly about the press conferences of department heads. I think it is regrettable that the practice set up in 1933 in most of the executive departments has since been allowed to be almost abandoned. Very few of the cabinet officers today hold regularly scheduled press conferences. Yet, these conferences not only serve to get ideas out to the country, but they call forth from the country suggestions and ideas on governmental policy. From the standpoint of an administration, they constitute the free tender of space in every American newspaper in which the plans and policies of the government may be expounded. The question and answer method of examining issues

presents complicated problems in an understandable form. The press conference method permits the executive to make disclosures, in response to questions, that it would not be proper for him to venture on his own. The conference puts it within the power of an administration to fix the area of public discussion, either diverting it from a subject that it would prefer to postpone or focusing it on an issue it wishes to settle.

Another effective means of communicating with citizens is the periodic agency reports. These reports are extremely important. I have noticed in the past few years a tendency to limit the number of such reports and to restrict their completeness in the interests of economy. Departments that for half a century submitted their carefully prepared summaries of operations have suspended them. Files essential to the study of departmental operations have been interrupted. It seems to me this is a short-sighted economy. The cost of paper and printing is a frequent target of Congressional criticism. Yet, many publications that have been criticized have provided the most economical way of letting the people know what their own government is doing. I have been disquieted by some of the preliminary indications that the Hoover Commission may propose a further curtailment of these periodic reports.

It is not easy to prescribe exactly, and in detail, and specifically, all the government information that should be divulged and all that properly may be withheld. It is possible to describe the spirit, the climate, the atmosphere that ought to pervade the government of a country democratically ruled. All the employees of government, elected and appointed, ought to be imbued with the feeling that government does indeed belong to the people, who, therefore, have a right to know about all of its transactions, except for those expressly reserved to accredited persons only by law or regulation. As Woodrow Wilson put it, 40 years ago, "There is not any legitimate privacy about matters of government. Government must, if it is to be pure and correct in its processes, be absolutely public in everything that affects it."

THE PUBLIC SERVICE—ITS FUTURE STATUS

by

WALLACE S. SAYRE*

THE STATUS OF the public service was a constant concern, throughout a lifetime of work, to Bill Jump, whom I shall always feel privileged to have been able to call a fellow associate in the public service. And I am confident that it was of equal importance to Mr. McKillop. These two men represent, in their separate ways, the dedication and devotion to the public interest which is one of the great positive forces in the public service of a democratic society. Their careers illustrate not only the assets of the past but the aspirations appropriate to the future of our public service. I think we can learn more than we usually realize from the career biographies of our outstanding public servants. This I am prompted to say, as a member of the academic world, is a field of attention neglected by all of us.

In the United States, especially during the last seventy-five years, we have built a great Federal Civil Service—great in size, great in capacity, great in specialization, great in responsibilities, and great in power. On the whole we have built it in an indigenous pattern, suited to our culture, our economy and our political and constitutional system; but while building our public service in our own native pattern, we have seemed to be trying very hard to build it in a borrowed pattern, as much to our own confusion as to that of others. This confusion between what we were actually doing and what we were saying we were trying to do in the building of a public service must be attributed to a personnel profession which has given too little attention to constructing a doctrine of personnel administration more aptly suited to our own culture and to our own political and constitutional system. We now stand—I should say we have stood, in fact, for a decade—before a new time of test and trial, confronted with a series of dilemmas, some major, some minor. We now clearly confront a new era in the life of our public service, new and different in at least two basic respects. First, big national government is here to stay. The expansion of the last twenty-five years is not simply a temporary or an emergency

* Professor of Government, Columbia University.

expansion geared to depression or war. The national government as the manager of domestic prosperity by direct participation is an accepted bipartisan fact. Present debate is over ways and means more than over the responsibilities of the government as manager of the domestic prosperity. This is not always clear to us because the vocabulary of politics, like the vocabulary of personnel administration, is not constructed to say exactly what it means, but most will agree, if we look closely at the matter, that big national government with these responsibilities is now an accepted bipartisan fact.

Second, our National Government has a world leadership role which we now accept and live with as a fact of life. There is no visible end to our great and growing responsibilities in the world as the leader of all the free societies. This is even more an accepted bipartisan fact in the politics of the United States.

These two facts alone underscore the importance of the future Federal public service, and they underscore, too, the need to look searchingly and candidly at our public service assets and liabilities. It is gratifying to all of us, particularly to those who are students of the matter, to note how seriously and effectively we have already begun this process of analysis and investigation.

At least five items can be listed as an indication of this serious attention to which we have recently turned. First, on the historical level, none of us ought to overlook the significance of Leonard White's three volumes (*The Federalists*, *The Jeffersonians*, and *The Jacksonians*) as a truly important re-evaluation of our past, and of our past particularly in the field of the public service. Second, we may note the excellent reports on personnel administration by the first Hoover Commission in 1949. Third, we have the volume recently produced in 1954 by the American Assembly, *The Federal Government Service*, containing the findings and conclusions which are the work of more than fifty leaders of American opinion, and not therefore merely the convictions and emphases of a group of personnel experts or a group of political scientists. Fourth, we have now before us the Task Force Report on Personnel and Civil Service of the second Hoover Commission, published in February 1955. Fifth, and in a somewhat different category, we have had recently two brief articles by a very wise British visitor of two years ago, Mr. R. N. Spann, on the Federal Civil Service, appearing in the British publication *Political Studies*. These are the examples of serious and effective attention being given to some of our public service problems.

They are evidence of the fact that we are recognizing that this is a time which calls for re-evaluation and for candid appraisal.

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If we ask what are the distinguishing characteristics of the Federal Civil Service in the United States, what makes the Federal Civil Service in the United States different from the civil services of other national governments; what makes it different from the great private occupations in the United States, we will probably agree that the following are important, distinctive features:

First, the Federal Government Service of the United States in 1955 is highly specialized. No man from Mars could miss this fact, and no visitor from Europe misses this fact, although it is sometimes not nearly so clear to us because of its relationship to the great specialization of our whole society. The American Civil Service, particularly the Federal Civil Service, is highly specialized because in being so it reflects the great emphasis our society places upon the values of specialization. The public service in the United States is also specialized at a very high level of quality in its expertness. This perhaps could not be said so confidently of state and local civil services as a total group, but it can be said of the Federal Civil Service, and would be said by a prospective foreign visitor. This characteristic, specialization, has consequences and implications to which I shall return.

Second, the Federal public service has a decisive role in the making of public policy. That is, it has power, a power which flows from its administering and recommending function, a decision-making power which flows from its analytical and critical functions in its review of the proposed policies which come from other sources, and a power which flows from its great discretionary functions in carrying out policies—for, parenthetically, nothing is so characteristic of twentieth century legislation as the amount of discretion it confers upon the administrative branch. Finally, the Federal Government Service has power in the policy field flowing from its close working relationships with other centers of power—in the Executive Branch, in the Congress, in the interest groups, and in its own professional associations. This second characteristic is most clear to foreign observers who can take a detached point of view, standing outside our society. It is a characteristic increasingly apparent to ourselves as American citizens.

Third, there is uncertainty, ambiguity, and some dissatisfaction about the arrangements for leadership, for responsibility, and for control over this highly specialized, powerful segment of our society. This is a characteristic of which we are perhaps more aware than we are of specialization. We have asked more and more frequently in recent years: how are we to achieve the necessary unity, coordination, and responsible leadership in a large, segmented, decentralized society over highly expert and powerful civil servants?

Each of these basic characteristics presents us with dilemmas for the future, dilemmas for the immediate future and for the long-run future. These are the problems, the more important problems, which we confront in thinking about the future status of the public service.

We may now briefly discuss each one of them then as a problem rather than as a characteristic. First, the problem of specialization: specialization is not only a distinguishing feature of our society but it is also a great asset, as both John Gaus and Arthur Macmahon already pointed out to you from this platform. Specialization, most of us would say, is one of our great national strengths—but it has its costs. It has its costs in the problems which specialization presents in defining the public interest in a balanced society, or in a balanced political arrangement, because the specialist is not one disposed to take the balanced view. It has its costs also in its tendency to depart from democratic values. That is, one of the tendencies of specialization is to maximize the objective facts and characteristics of a problem and to minimize its acceptance, the understanding of it and the consensus about it which prevails in the general society. To put it perhaps more crudely, the expert has a tendency, because he is expert, to want to be on top with respect to the particular issues about which he knows more than anyone else. But as we will recognize on even brief reflection, this is not the only value involved. Specialization has its costs too in the management of a whole government, difficulties of coordination, unity, and coherence. How are the demands, the plans and the programs of the great groups of specialists to be balanced with each other, to be synthesized into a governmentwide program acceptable not only to our elected representatives but to the public at large?

We have been trying to find solutions for this problem of specialization, and we may note a few of them, some of them not always thought of in this particular context. The proposal of

the second Hoover Commission for a senior civil service is in one important aspect an attempt to deal with the problem of specialization. The senior civil service is a proposed government-wide service, rank is to be in the person rather than in the job, the people in these positions are to be transferable around the Government. All of these aspects add up to efforts to strike a new balance in the world of specialists; to create, if not generalists in terms of wide government programs, then perhaps super-specialists. This is not a solution that will be easily adopted in the practical world. There are many thorny aspects of it that are still to be thought out. But it is an effort to deal with specialization.

Another proposal which is receiving considerable attention as a solution for the problem of specialization is the program of executive development, especially as the concept of executive development has been developed by business management in the large corporations. This concept was endorsed by the second Hoover Commission. The executive development proposal is a plan to live with the facts of specialization in initial recruitment, but to identify early those who have executive or generalist talents, and to develop their generalist skills (or, to put it another way, their governmentwide skills, or their super-specialization) by rotation; that is, by exposure to the responsibilities involved in many different specialties and to develop generalists by training them in the problems of generalization, in the reconciliation of specialist demands.

There is a third contemporary solution, or partial solution. This is the recruitment of a larger supply of young generalists (a plan represented over the last two decades in the Federal Government by the Junior Management Assistant program and its predecessors). This is an effort to bring into the total Federal Service a somewhat increased supply of those who are dedicated to or interested in the problem of the management of specialists, or in the coordination of specialists, if you prefer a less invidious term.

A fourth solution is the proposal to infuse into the specialist an appreciation of the problems which his specialization represents to his bureau, to his department, to his government, to his society; to present the costs of specialization to him, and to involve him, the specialist, directly in the efforts to reduce the costs of specialization.

All of these solutions taken together will not give us a completely satisfactory answer to the problem of specialization in any near tomorrow, but these are examples of ideas and conceptions which have been developed at least to the level of serious debate and experiment.

Secondly, there is the problem of power. We have long answered the problem of power vested in the public service by appealing to the British model of the impartial, neutral civil service. There is great doubt whether this answer is any longer adequate in Great Britain, but its inapplicability in the United States is strikingly clear. The American civil servant, at the higher levels especially (and that is where discretion counts), is not of the neuter gender. He is, instead, decidedly masculine. He is a passionist. He is not a dilettante. He believes in the program of his organization, in the values of his profession and his specialty. He tends to participate in, rather than to withdraw from, the main stream of American life and all its rich associational ties. In essence the American higher civil servant has commitments to policy and program. He thinks of himself as an expert, not as an instrument, nor as one of the interchangeable parts of a machine. This is a problem which we have shown some tendency to sweep under the rug. It is a problem we will have to work out in terms of our own political instincts, in terms of our own reality, not in terms of semantic borrowings from another culture. The solution is not now at hand. Perhaps a wide recognition of the problem is in a way a beginning of the solution.

The proposed contemporary solutions to this problem of power are relatively few because of our tendency to deny its existence. The Hoover Commission proposal for new emphasis on executive responsibility is seen by some as a solution and may be regarded as a beginning. Its recommendations for Presidential responsibility for personnel administration is perhaps its most promising proposal. And its suggestion for a corps of political executives provides a frame for the higher civil service by distinguishing between the functions of the political executive and the functions of the Senior Civil Service; that is, by defining what the political executive shall do and defining what the Senior Civil Service shall do.

The second Hoover Commission has suggested one way to rationalize, and to legitimize, the fact that the higher civil service is engaged quite legitimately, quite constitutionally, and

quite necessarily, in the exercise of power. But the solution offered by the Hoover Commission's Task Force is still imprisoned too much within the concept of neutrality. It minimizes the policy responsibilities of the Senior Civil Service below the level of past, present, and future reality.

The third problem, then, is the problem of responsibility. To whom shall this specialized and powerful civil service be responsible? This is one of the persistent ambiguities about the civil service in the United States. Under our constitutional and political system there are at least five major contenders for the power to direct the work of the permanent staffs of the administrative agencies. No one of these five claimants has ever successfully asserted a monopolistic or exclusive claim, but at different times in our history and in different parts of our civil service the order of importance, the nature of the working alliances, among these claimants has varied. These five claimants are: first, the President and his department heads; second, the Congress as a whole, its separate houses, its committees. Congress has made claims for direct power here at several times and places in our history; there was, for example, the decade in which we could speak of Senator Smoot as the general manager of the Executive Branch. The third claimant is the majority party, through its national committees, its chairmen, and its other leaders. The fourth is the interest groups, particularly the clientele groups. It is unnecessary to emphasize in a hall of the Department of Agriculture the very real fact and the highly visible nature of the participation by interest groups in our political and administrative life. It is at once a source of great national strength and the source of a great number of problems. The fifth claimant is the specialized career civil servants themselves, which like all groups have a desire for autonomy, for discretion, for self-direction in the interest of their own expertness.

The theme of the 1937 President's Committee *Report*, of the *Reports* of the two Hoover Commissions, of the report of the American Assembly, has been to focus the primary responsibility and accountability of the civil service in the lines leading up to the President. A great deal of work has gone into the efforts of the last twenty years to strengthen the lines of responsibility leading up to the Presidency. This solution asserts an impressive series of justifications. It asserts the national constituency of the President as opposed to the local constituencies of the Congress. It asserts the greater feasibility and efficiency of

presidential leadership as compared to any other source of leadership. It asserts the logic of Article II of the Constitution, which its proponents tend to read in italics while all the rest of the Constitution is in ordinary type. It asserts also the example of the business groups, and other justifications less important and less persuasive.

The other claimants have had no such prestigious support in public discussion nor any such highly developed doctrine of support, but they have had the weight of tradition and practice on their side. Except for Congress, the other claimants assert their claims more quietly, more specifically, less generally. Congress is, of course, the most vocal rival claimant. It asserts its claim as the most representative institution. It appeals to the logic of Article I of the Constitution, which it tends to read in italics.

The political party is less and less vocal as a claimant, usually asserting its claims either through the Presidency or through the Congressional channel. The interest groups vary, but they are not ordinarily vocal in public claims. The career civil service does not openly assert the goal of self-direction, but it does stress the values of continuity and career. In practice the most frequently observed working alliance is the one which exists between congressional committees, clientele groups, and bureau units of the specialized career service. This triangular working alliance asserts resistant strength against the executive hierarchy.

The claims of the Presidency to the paramount role in accountability are not likely to be denied. This means, then, some shrinking in the influence of the four other claimants, but a specific new balance will not be worked out easily. In this rearrangement the career services will need, in fact will be compelled, to decide what their relationships should be to each of the other four centers of power. The new emphasis on executive responsibility takes four general forms: Presidential direction of the personnel system as opposed to direction by traditional independent Civil Service Commission, decentralization of personnel management from the Civil Service Commission to the department heads, a return to simplicity in the personnel procedures, and the development of a governmentwide career group more responsive to Presidential lines of influence than to other lines of power.

These ideas represent a beginning at working out a broad solution in the field of responsibility, a solution based upon a can-

did examination of the problem. Like the second problem (the problem of power), most official discussion tends to skirt the question of the system of responsibility and how it shall be worked out.

These three problems are, if not central, at least illustrative of the perplexities with which the public service will need to contend in the future; as, in fact, it is already beginning to contend with them. The need is for carefully worked out, fully discussed and reasonably agreed-upon solutions in each of these three areas. We need also to develop what might be called an indigenous American doctrine of public service, an effort to which we have not yet seriously applied ourselves. We have extemporized, we have borrowed, but we have not faced up in a systematic way to a development of a doctrine of public service which is suited to and recognizes the facts of our constitutional system, our political system, and our society.

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